

THE PARAMOUNT POWER
AND THE PRINCELY STATES OF INDIA

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1858-1881

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To my parents

PREFACE

The present work is a revised version of my Ph. D. dissertation, approved by the Jadavpur University (Calcutta) in 1974. This is a descriptive-*cum*-interpretative study of British relations with the princely states of India during the three decades following the end of the East India Company's rule in India. There were more than six hundred states, big and small, possessing various degrees of political rights and administrative powers. Consequently the attitude of the paramount power towards them differed. This attitude, again, was affected by the currents of political development in the country and the personality and political outlook of the Governors-General, the Secretaries of States and their principal colleagues. In the pre-Mutiny era the relations were more or less fluid and no systematic political practice emerged. But after the establishment of British paramountcy a wholesale change in the relations between the Government of India and the Indian states became perceptible. The princely states were no longer foreign principalities ; their period of isolation was followed by their gradual absorption in the imperial system which held the whole of the sub-continent in its grip. The policy of the paramount power aimed at converting them into practically integral units of the "single charge". This volume seeks to study that aspect of the policy in its early phase on the basis of unpublished documents preserved at the National Archives of India, New Delhi, supplemented by published documents and contemporary and semi contemporary works. An exhaustivative study of these voluminous records has been possible because the period chosen is comparatively brief although it is a period of special significance because it marks the early phase of the "one charge" theory.

In the making of the dissertation and then publishing it in the shape of a book, I am throughout grateful to my teacher, Professor A. C. Banerjee, Retired Guru Nanak Professor of

Indian History, Jadavpur University, and I candidly confess that this work would not have been possible without his guidance and inspiration. I am thankful to the staff of the Central Library, Calcutta University. National Library, Calcutta, and the National Archives of India, New Delhi, for their invaluable assistance. In this connection I wish to thank in particular Mr. Bankim Sen, Mr. Dulichand and Mr. K. S. Talwar of the National Archives of India for the constant co-operation and encouragement I received from them. I also acknowledge my debt to Dr. Donovan Williams for permitting me to use his essay in *Essays in Indian History* (C. C. Davies *Festschrift*).

Finally, I profusely thank Messers K. P. Bagchi & Co., Calcutta, for the pains taken in the publication of the present volume within a short time. I alone am responsible for the errors or shortcomings contained in the Book.

Ajit K. Neogy

Santiniketan

2 May, 1979.

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ABBREVIATIONS

S. C.	Secret Consultations
P. C.	Political Consultations
F. C.	Financial Consultations
R. C.	Revenue Consultations
J. C.	Judicial Consultations
G. C.	General Consultations
G. G.	Governor-General

Impact of the Mutiny

The events of 1857-58 shattered the idea that the survival of the princely states was a potential danger to the security of the British empire. The period preceding the Mutiny had witnessed the increasing expansion of the British dominions by the absorption of the Indian states. Actuated by the principle laid down by the Company in 1841 "of abandoning no just and honourable accession of territory or revenue," Dalhousie declined to succumb to the pleadings of Colonel Low¹ who jealously asserted the views of the leading Anglo-Indian statesmen like Malcolm, Munro, Elphinstone, George Clerk² and Metcalfe of continuing the indigenous rule in the principalities of India. He was in favour of "getting rid of these petty intervening principalities" within the British boundaries which, he thought, "can never... be a source of strength, for adding to the resources of public treasury, and for extending the uniform application of our system of government to those whose best interests...will be promoted thereby."³ Oudh was annexed on ground of persistent and prolonged misgovernment. The states of Satara, Jhansi and Nagpur had been treated as escheats and the Rajput state of Baghat in the Simla Hills was actually treated as a lapse. Jaitpur and Sambalpur also lapsed.

Lord Dalhousie's favourite dictum that these petty states could never be a source of strength was falsified by the events of

1 John Low (Major General, Sir : 1788-1880) : Pol. Agent at Jaipur (1825) ; at Gwalior (1830) ; at Lucknow (1831) ; Agent in Rajputana (1848-52) ; Member of the Council (1853-58) ; K. C. B. (1862). Quoted in Michael Maclagan, "*Clemency*" Canning, p. 33.

2 He was twice Governor of Bombay. He held that post during 1847-48 and 1860-62.

3 Quoted in R. C. Majumdar, *British Paramountcy and Indian Renaissance*, Vol. IX, Part I, p. 73. Thomas R. Metcalfe, *The Aftermath of Revolt*, pp. 31-32.

the Mutiny, for if the Indian states had not come to its succour at that critical juncture the Company's Government would have faced grave difficulties in the matter of controlling the situation. "If Sindhia joins the rebels I will pack off tomorrow," Lord Canning is reported to have said. A contemporary Englishman spoke of the general feeling that "if Hyderabad had risen we could not escape insurrection practically over the whole of the Deccan and Southern India."⁴ Except for some minor defections, the Indian princes not only kept themselves aloof from the rising, but in some instances actually helped the British Government to crush it. The services rendered by the petty Phulkian states of Patiala, Nabha and Jhind in the Punjab and by Sindhia deserve special mention. About the services rendered by the Phulkian states Sir John Lawrence told Canning: "It would be difficult to overrate the value of their services in the late crisis. Had the chiefs of Patiala, Jheend and Nabha fallen away in May and June last, our troops could never have marched to Delhy. Had they deserted our cause any time before the fall of Delhy, the communications with the Punjab would have been cut off... These chiefs not only remained staunch, but acted vigorously on our behalf. They spared neither men nor money."⁵ The services done by the Maharajas of Rewa, Chirkari and others in the wild tracts of Central India where the authorities of the British Government suffered the most serious debacle were eagerly acknowledged by the British Government. The loyal service of Salar Jang, that "Talleyrand of India,"⁶ prevented the overflow of the tide of the Mutiny to the southern regions of India.

Canning fully realised the importance of these petty and bigger princely states and he understood very correctly that his dream of transforming India into a "single charge" would never materialise without their co-operation and assistance. He eloquently spoke of them, for the role they played in the days

4 See R. C. Majumdar, op. cit., Vol. IX, Part I, p. 646.

5 Quoted in Thomas R. Metcalfe, op. cit. p. 221.

6 T. H. Thornton, *General Sir Richard Meade and the feudatory states of Central and Southern India*, p. 280.

of the distress of the Company, "as break-waters to the storm, which would otherwise have swept us in one great wave." "The safety of our power is increased," he said, "not diminished by the maintenance of native chiefs well affected to us.... And should one day come when India shall be threatened by an external enemy, or when the interests of England elsewhere may require that her Eastern Empire shall incur more than ordinary risk, one of our best mainstays will be found in these native states." Decades earlier it was observed by Sir John Malcolm that "if we made all India into Zillas (or British districts), it was not in the nature of things that our Empire should last fifty years ; but if we could keep up a number of Native states, without political power, but as royal instruments, we should exist in India as long as our naval superiority in Europe was maintained." Canning made a total departure in his dealings with the princely states from those of his immediate predecessor. Dalhousie had treated them with scant sympathy or consideration and his policy was to erase them from the political map of India. But Canning altogether reversed that policy. He wanted that the new relations between the Government of India and the Indian states should be governed by a policy of "Union and Co-operation." The Indian states, he believed, should no longer be regarded as nuisances meriting removal ; they should rather be used as effective instruments for ensuring the security of the British empire in India. But it would not be possible for them to play that role unless their hands were strengthened and their governments reorganised. He, therefore, aimed at strengthening the bases of the states, modernising their administration and creating an atmosphere congenial for their growth. He aimed at infusing into the hearts of the princes a new ray of hope in place of the old despondency which had overtaken them so that they might think themselves as inseparable partners of the "single charge." He desired to cultivate their friendship and engender in them the feeling that the new regime in Calcutta had no intention of riding rough-shod over their sentiments.

In fact Canning bore the whole brunt of doing away with those unpopular policies which had been enunciated by his predecessor in a cavalier fashion.

Act of 1858 and Queen's Proclamation

The conciliatory policy which Canning was determined to pursue towards the princes was embodied in, and reinforced by, the Act of 1858 which marked the assumption of the Government of India by the Crown. The Act (Section 67) declared that all treaties, contracts etc. concluded by the Company would remain binding on the Crown. The Queen's Proclamation declared that "...all Treaties and Engagements made with them by or under the authority of the Hon'ble East India Company are by us accepted and will be scrupulously maintained, and we look for the twin observance on their part." It also declared that it was the genuine intention of the Queen to perpetuate the ancient ruling houses of India. The princes were further assured that their "rights, dignity and honours" would be respected.⁸ The Queen's Proclamation was no law and had no legal sanction : but coming as it was from the lips of the Queen it was definitely an official commitment. The Queen's Proclamation further declared : "We desire no extension of our present territorial possessions..." This solemn declaration had the effect of negating the principle of annexation laid down in 1841.

To engender confidence in the aggrieved hearts of the Indian princes Canning granted, on 1 November 1858, a general amnesty to all except those who had directly participated in the murder of British subjects in the excesses of the Mutiny. "The Amnesty Proclamation was promulgated throughout India with formalities and rejoicings ; it was publicly recited by the officers of the Government and in Native Durbars at all principal places ; and copies of it were supplied to village accountants for purposes of accessible records. It is frequently referred to by natives of various classes, and is no doubt, regarded by educated

8 F. C., 31 Dec. 1858, No. 1125. A. C. Banerjee, *Indian Constitutional Documents*, Vol. II, pp. 21, 27-28.

Indians as a charter of popular rights and of the rights of dependent principalities.”⁹ Amnesty, however, was not enough to consolidate a favourable political atmosphere ; positive service deserved positive reward. Canning liberally bestowed upon those states and persons, who had helped the British in their days of distress, salutes and decorations ; and new titles were created with which to reward and honour the rulers. Men like Robert Vernon Smith,¹⁰ who cherished a strong dislike for the Indian states, admitted in 1859 that they “had cordially supported our cause” and that it would be “expedient, not only from motives of gratitude, but to secure the future well-being and tranquillity of India, that some token of our approbation—that some reward—should be given to them.”¹¹ Lord Stanley pointed out : “It is only by imparting security to others that we can permanently establish our own,” and he urged upon Canning to do his best to reward “those native allies who have stood by us.”¹² At a series of Viceregal durbars held in 1859 lavish rewards, both monetary and territorial, were distributed amongst those who had helped the British in the critical days of 1858. Among others, the Maharaja of Patiala was given land worth two lakhs of rupees, a nice house in Delhi previously held by a rebel and the title of “choicest son of the British Government.”¹³ To the Raja of Jhind was given territories to the annual value of 1,03,000 rupees and thirteen other villages, a house in Delhi, an increase in his state salute from nine to eleven guns, and the ceremonial gift of fifteen trays instead of eleven when he was formally received by the Viceroys. He was thenceforth proclaimed “Most cherished son of the true Faith.”¹⁴ Similarly the

9 Tupper, op. cit., p. 102.

10 Robert Vernon Smith was the President of the Board of Control after Sir Charles Wood (1855-58). He was created Lord Lyveden (1859), but never held office again. Michael Maclagan, “*Clemency*” Canning, p. 19.

11 Quoted in Thomas R. Metcalfe, op. cit., p. 222.

12 Ibid.

13 Ibid., p. 235.

14 Michael Maclagan, op. cit., p. 235.

Raja of Nabha was rewarded "by way of remission of a year's tribute." The bigger states were rewarded "either by way of increasing their salutes, or territories, or forces or reduction of tributes or cancelling debts." Sindhia was given land with an annual income of three lakhs of rupees, and Rampur land worth one lakh.¹⁵ For "giving shelter to European fugitives from Neemuch and in sending the troops of his contingent to assist in the defence of that place, and subsequently in the pursuit of the mutineers," the Maharana of Mewar was invested with a *khilat* of the value of twenty thousand rupees.¹⁶ The Rao of Sirohi was rewarded with the remission of half of his yearly tribute, with all arrears.¹⁷ The young chief of Bharatpur was rewarded by offer of a *khilat* of the value of ten thousand rupees.¹⁸ The Maharaja of Bikaner was rewarded in the same way.¹⁹

The lapsed Rajput state of Baghat in the Simla Hills, which had been annexed by Dalhousie, was restored to its ruler.²⁰ That the policy of annexation was brushed aside on failure of natural heir may be attested to by referring to the case of Garhwal or Tehri. The chief of Garhwal died in 1859 without any legitimate issue and his territory lapsed to the British Government. But in consideration of the firm attachment and steady friendship of the late Raja, and the valuable services which he had rendered in 1857, the Government resolved to confer the territory upon Bhowan Singh, illegitimate son of the deceased, and the heir male of his body lawfully begotten.²¹ In another case—that of Ajaigarh, a small state in Central India, Canning, instead of treating it as escheat, maintained its existence.²²

15 Thomas R. Metcalfe, op. cit., p. 222.

16 P. C. (A), April 1860, No. 607.

17 Ibid.

18 Ibid.

19 P. C. (A) April 1860, Nos. 644-645.

20 Aitchison, *Treaties, Engagements and Sanads*, Vol. II, p. 347, (edition 1863). Lee-warner: *The Life of the Marquis of Dalhousie*, Vol. II, p. 170.

21 Ibid., Vol. II, p. 60, (ed. 1863).

22 Ibid., Vol. V, p. 158, (ed. 1892).

Adoption Sanads

As a result of this policy the rulers, the princes and the people of India felt secured and satisfied. In the cold months of 1859, while undertaking his Viceregal tours through the northern provinces to receive the homage of the loyal princes and chiefs, Canning took a further conciliatory step by officially recognising their right of adoption.

In the early part of the nineteenth century the Company looked upon the question of succession as an internal matter in which it had nothing to say. Elphinstone wrote: "The succession, I conceive, was an internal affair in which the British Government could not interfere unless in a case which might affect the foreign relations of the state, or the general tranquillity of the country."²³ In 1824 Charles Metcalfe urged for the first time the necessity for regulating the succession in the Indian states, but it was then turned down by the Court of Directors. Later in 1834 the Company, out of consideration of a variety of factors, ordered that on failure of natural heirs consent should be given to the adoption of an heir only "as a special mark of approbation."²⁴ Thus the grant was optional. Whenever the permission was accorded it was given as a reward, but if refusal appeared to be, "with reference to the tenure of the state and customs of previous governments, an act of harshness or an injury, permission would be given."²⁵ In 1837 Metcalfe raised the question of adoption. He observed "that in failure of heirs male of the body, those who are sovereign princes in their own right and of the Hindoo religion, have by Hindoo law a right to adopt to the exclusion of collateral heirs." This right, however, was not unrestricted. Metcalfe pointed out "such is the supremacy we have obtained over these states, that our recognition is necessary to render valid every adoption, and to secure the adopted chieftain the respect and obedience of the peoples."²⁶

23 Quoted in Dodwell, *A Sketch of the History of India*.

24 Ibid.

25 Tupper, *op. cit.*, p. 84.

26 P. C. (A), March 1862, No. 405.

Before the advent of Dalhousie, the British Government in most cases confirmed the right of adoption by the Indian rulers and even sometimes induced childless rulers who had neglected to adopt, to pronounce the names of their successors in their death-beds. Leading Anglo-Indian statesmen and civilians of the period were in favour of recognising the right of adoption. Sir John Malcolm was in its favour. In 1820 the gadi of Bhopal fell vacant and in the absence of any heirs Malcolm allowed the vacancy to be filled up by a local representative who was adopted by the widow of the deceased Nawab.²⁷ Long ago General Briggs had very wisely warned : "...If you are to do away with the right of individuals to adopt, you will shake the faith of India ; you will influence that opinion which has hitherto maintained you in your power ; and that influence will thrill through your army ; and you will find some day, as Lord Metcalfe more than once said, "We shall rise some morning, and hear of a conflagration throughout the whole of India, such as a few Europeans amongst millions will not be able to extinguish."²⁸ The Mutiny proved the truth of this warning. The Earl of Auckland also shared his views. Ellenborough once remarked, "...it becomes more important to give them confidence that no systematic attempt will be made to take advantage of the failure of heirs to confiscate their property, or to injure in any respect those sovereigns in the position they at present occupy."²⁹ And true to his declared policy he declined to absorb Gwalior when the young Junkoji Rao Sindhia died without a child in 1843 though he had a plausible excuse for extinguishing the state. The Government of India recognised the boy, whom the widow adopted, as the future ruler of Gwalior.³⁰ Indeed, the prevailing opinion of the prominent statesmen of the period was in favour of guaranteeing the rulers' right to adopt their successors in case of failure of natural heirs. Before the

27 *Parliamentary Papers*, Vol. 41, 1850, p. 514.

28 Sullivan, *The States and Government of India under its Native Rulers*, p. 18.

29 *Ibid.*, p. 16.

30 *Parliamentary Papers*, Vol. 41, 1850, p. 448.

days of Lord Dalhousie the usual practice of the Government of the Company was to confirm the right of adoption by the Indian rulers "as a special mark of approbation." For instance, the right of adoption was recognised in Datia in 1840³¹, in Orcha in 1842, in Banswara in 1834 and 1844,³² in Udaipur in 1852³³ and in Dungarpur in 1846.³⁴ Besides these, the Dhar succession was recognised in 1834.

There were, of course, cases where the "special mark of approbation" was not shown. On failure of natural heirs, permission to adopt was refused in the petty state of Colaba³⁵ where the ruling Angria family became extinct with the death of the infant chief as also in Mandvi³⁶ where also the direct line of succession came to an end on the death of the infant Raja. Naturally both Colaba and Mandvi including certain *jagirs* in the Deccan lapsed. Such cases were, however, not frequent. The case of the Holkar state may be taken as typical. On the death of Malhar Rao Holkar without any male issue in 1834 Hari Rao Holkar was elevated to the *gadi* by means of a palace revolution.³⁷ The Government of the Company recognised this action of a "band of heterogenous soldiers, disorderly and indisciplined"³⁸ to elect a sovereign instead of allowing it to be lapsed to the British Government. When the childless

31 Ibid. Vol. 41, 1850, p. 533.

32 Ibid. Vol. 41, 1850, pp. 578-82.

33 Ibid. Vol. 41, 1850, p. 603.

34 Ibid. Vol. 41, 1850, p. 613.

35 Ibid. Vol. 42, 1850, p. 214.

36 Ibid. Vol. 41, 1850, p. 426.

37 Hari Rao Holkar was the son of Ecoji, the eldest illegitimate brother of the late Jaswant Rao Holkar and nephew of the late Maharaja (*Parliamentary Papers*, Vol. 41, 1850, p. 44). He was actually rotting in the fort of Maheswar for more than 12 years. On the death of Malhar Rao Holkar without issue, the *Majhi Sahiba* (i.e. Rukmi Bai) adopted and elevated the infant son of Bapu Holkar. The East India Company had some doubt about the legality of the succession. In the meantime several hundred armed men secured the release of Hari Rao from his confinement and placed him on the *gadi*. Rukmi Bai was expelled and she took refuge in the Residency (P. C., 3 April 1834, Nos. 98-100).

38 P. C., 3 April 1834, No. 106.

Hari Rao Holkar was jostling with death, the British Government urged upon him to adopt a son. This he did on his death-bed and the adopted son was recognised by the British Government. Death-bed nominations were usually disavowed by the authorities, for such nominations were made hurriedly without taking into consideration the personal capacity and qualities as well as the physical fitness of the nominees.

Dalhousie's dictum "that on all occasions where heirs natural shall fail the territory should be made to lapse" had the effect of rudely disturbing the political practice which the Indian princes and rulers valued so much and the rigid application of the doctrine over half a dozen states within a few years produced *profound consternation in the minds of the rulers*. When they saw states after states falling under the grip of the British Government they became alarmed; the dread of dispossession at any moment agitated their minds and their allegiance to the British Government received psychological shocks. Canning, sincerely desirous of winning over the confidence of the princes, wanted to remove any misgivings or doubts from their minds about the policies to be followed thenceforth with regard to them and assured that the Queen had no intention of extending her territorial possessions at the expense of the Indian princes. He had already noticed the lack of some clear and well-defined rule or practice in the Company's dealings with the princes and the chiefs on the subject of adoption. He knew that there was "a haze of doubt and mistrust in the mind of each chief as to the policy which the Government will apply to his own state in the event of his leaving no natural heir to his throne, and each seems to feel, not without reason, that in such case the ultimate fate of his family is uncertain."³⁹ He now reminded the princes of the Queen's Proclamation and her desire to perpetuate in undiminished vigour and prosperity the existing ruling dynasties; he announced to them that the policy of escheat or lapse had been abjured and that adopted sons would be recognised. This policy was publicly declared for

39 Tupper, op. cit., p. 105.

the first time at the the Kanpur Durbar on 4 November 1859.⁴⁰

Already in response to the Paper of Requests (1858) submitted by the Phulkian princes of the Cis-Sutlej states (*i.e.* Patiala, Nabha and Jhind) the Home Government, after initial refusal, had permitted the princes to nominate their successors in case of failure of natural heirs without restricting their choice to the descendants of the common ancestor, *i.e.* Phool.⁴¹ This grant of privilege was exceptional in character and this may be accounted for by the unflinching loyalty exhibited by them in 1857-58. Again, the assurance of the right of adoption to the Maharaja of Kashmir was given at the Sialkot Durbar in March 1860. In accordance with the assurance, he was given the right of adoption.⁴² Maharaja Sindhia was permitted the right of adoption⁴³ in accordance with the assurance communicated to him in the Agra Durbar held in December 1859. The Holkar received the same privilege. The Maharajas of Rewa and Chirkari were similarly conceded the right to adopt in recognition of their services during the Mutiny. The Rajas of Dhar and Dewas,⁴⁴ the Nawab of Bhopal,⁴⁵ the Rajas of Cooçh Behar⁴⁶ and Benares⁴⁷ were given the same privilege of adoption.

In a memorandum to the Secretary of State for India (Sir Charles Wood) Canning wrote : "...gratifying as they were to the princes and chiefs who were thus assured of the continuance of their houses, it was improbable that they would be regarded

40 Aitchison, *Lord Lawrence and the Reconstruction of India*, p. 136. Michael Maclagan. *op. cit.*, p. 236.

41 Political Despatch from Secretary of State, No 32, 18 April 1860.. This arrangement with the Phulkian dynasty was authorised by Charles Wood on 1 Dec. 1859. (Michael Maclagan, *op. cit.*, p. 377).

42 P. C. (A), March 1862, No. 55.

43 P. C. (A), March 1862, No. 399.

44 P. C. (A), March 1862, No. 400.

45 P. C. (A), March 1862, No. 401.

46 Aitchison, *Treaties, Engagements and Sanads*. Vol. I, p. 105. (ed. 1892)..

47 *Ibid.*, Vol. II, p. 57. (ed. 1863).

by the native community at large as special acts of grace in consideration of good service rendered to the paramount state, and that some feelings of doubts and disquietude might be excited in the minds of those to whom the same measures had not yet been conveyed... .”⁴⁸ It was to remove such “feelings of doubts and disquietude” that he recommended to give “to every chief above the rank of jagirdar who now govern his own territory, no matter how small it may be, or where it may in the first instance have been derived, assurance that the paramount power desires to see his government perpetuated, and that on failure of natural heirs, his adoption of a successor according to Hindu law (if he is a Hindu) and that nothing shall disturb the engagement thus made to him so long as his house is loyal to the crown and faithful to the conditions of treaties which recorded its obligations to the British Government.”⁴⁹ But exception was made with regard to the *Satara Jagirdars* (i.e. the Raja of Akalkote, the chief of Phulan, the chief of Jhult and others), the *Jagirdars* of the Southern Maratha States⁵⁰ (i.e. Sangli, Miraj, Jamkhandi, Kurundwar (Senior and Junior etc.) and *Jagirdars* connected with the Government of St. George. Gholam Ali Khan, *Jagirdar* of Buganapalli, was given the right of adoption,⁵¹ but “on the condition that those subject to them shall be governed with justice and liberality.”⁵² The facility of adoption was given to those *jagirdars* whose territories as well as administration thereof had been granted to them and to their successors in perpetuity so long as certain obligations were fulfilled.⁵³ The petty states under the Mahikanta Agency and the Tributary Mahals of Orissa also obtained the privilege. But the Maharaja of Mysore, who was not then exercising ruling power, was not granted the *Adoption Sanad*. This led many to apprehend that “when he died his state would be at the

48 Turner, op. cit., p. 109.

49 Ibid., p. 110.

50 P. C. A., March 1862. No. 388.

51 P. C. A., March 1862. No. 419.

52 Ibid.

53 P. C. A., March 1862. No. 46.

disposal of the British Government." But the Adoption *Sanad*, which was given to him on 16 April 1867, scotched that apprehension.^{53a} This grant of privilege again was delayed in case of the states in the Kathiawar Agency ; Lansdowne issued the necessary *sanads* in 1890. The delay may be accounted for by the unsettled condition of Kathiawar.

The immediate effect of the grant of the Adoption *Sanads* was that the rulers and the princes took it for granted that the British Government would not at least liquidate the ruling houses in the event of failure of natural heirs. The Adoption *Sanad* abandoned, once for all, the Doctrine of Lapse and it signalised the new spirit of union and co-operation much desired by Canning. It further assured them that on the failure of natural heirs, the British Government would recognise any adoption or nomination for succession made by themselves or by any future chiefs of the states in accordance with Hindu law or the customs of the race. "The custom of adoption is essentially a Hindu rite and is not practised in purely Mussalman countries. It is true that the Mussalman chiefs in Hindusthan, as well as the people have adopted many customs of the Hindu tribe by which they are surrounded and I could wish to exclude every Mussalman prince from the great privilege of perpetuating his dynasty by the ceremony of adopting an heir ; yet I could make the boon special in such cases and could not concede in every case as a matter of right."⁵⁴ This was an expression of opinion by the Agent to the Lieutenant Governor of the Punjab, in a letter to the Secretary of the Punjab Government, while pleading the case of the Nawab of Malerkotla in favour of the grant of the Adoption *Sanad*. As a matter of fact, the Mahommedan chiefs received assurances that every form of succession allowed by the Mahommedan law to be legitimate would be recognised by the Government.

The offer of the *Sanad* had the effect of lifting one of the nightmares of absorption from which the princes had been.

53a Williams and Potts : *Essays in Indian History*, pp. 222-23.

54 P. C. (A), March 1862, No. 51.

suffering for long. The principle of succession thus laid down was not to be departed from and practically speaking the relations between the Government of India and the Indian states came to be governed by the altered policy which the *Sanads* expressed. The Indian princes looked upon this policy with deserved gratitude. "Now that the annexation is at an end," said Sindhia, "we breathe freely, even when our feelings are probed and our shortcomings discussed."⁵⁵ The Maharaja of Rewa, "a hopeless and childless peer," said to Canning that the Viceroy's words "had dispelled an evil wind which had long been blowing on him."⁵⁶ The promise contained in the Queen's Proclamation was fulfilled to the letter. "We desire," she said, "no extension of our territorial possessions, and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment upon those of others."

Regulation of succession

The Adoption *Sanad* did not pledge to recognise any female succession as it was against the usage of the country, nor did it undertake to recognise adoption irregularly made or made by the widow of a deceased chief with or without his permission. This was intended "to induce childless chiefs to make timely and formal adoptions, whereby to prevent disputes as to the succession and frustrate zenana influence and death-bed pressure in the selection of incompetent or improper heirs."⁵⁷ But although it was the policy of the British Government not to permit the widows of the deceased chiefs to have any voice in matters connected with succession, yet cases may be cited where the widows had been taken into confidence by the Government for the regulation of succession. Lee-Warner observes that in the absence of palace intrigues or domestic quarrels "the widows of the deceased chiefs ought...to be the best exponents of their

55 Quoted in Dodwell, op. cit., p. 179.

56 Aitchison, *Lord Lawrence and the Reconstruction of India*, p. 136.
Michael Maclagan, op. cit., p. 236.

57 Quoted in Tupper, op. cit., p. 112.

husband's intentions or preferences, and they can so far contribute to the material upon which the Viceroy's selection and decision will be taken."⁵⁸ The question of the regulation of succession was solely a prerogative of the Crown and the Government of India utilised the assistance of the widows only to the extent of conveying to it the wishes which the deceased rulers had entertained in their minds as to their future successors. Sheodan Rao, the Raja of Alwar, died childless and the ruling family of Alwar became extinct. He had neither adopted a son nor signified his wishes in regard to the succession and the state would normally have lapsed to the Government of India. But that step was avoided ; the Viceroy sanctioned the selection of a successor from the remote collateral branches,⁵⁹ and in this selection voting was insisted upon. The ladies of the palace were allowed to participate in the selection as between Lakhdiar Singh and Mangal Singh and they all voted for the latter.⁶⁰ Where succession was natural, and was in accordance with the law and usage of the community to which the candidate concerned belonged, there was no difficulty. But every succession had to be referred to the British Government and no succession was valid without it being confirmed by the paramount power.

The settlement of succession was sometimes made too quickly by interested persons on the plea that delay led to "the growth of partisan feelings"⁶¹ and this ruined the welfare of the state. In 1869 it was announced that the late chief of Shahpura had adopted Ram Singh, a child of four years, belonging to a distant branch of the family, just three days before his death. But it was later proved that the adoption was fictitious, because the alleged adoption had been the work of the *faujdar* and other interested persons and not the chief's. Even the Rani had been in the dark about the adoption of Ram Singh. An

58 Lee-Warner, *The Native States of India*, p. 328.

59 P. C. (A), Feb. 1875, No. 111.

60 P. C. (A), Feb. 1875, No. 116.

61 Lee-Warner, *op. cit.*, p. 328.

with the states, acknowledged their sovereignty and internal independence. It assured them that there would be no prying into their internal management. With regard to the bigger states the Company abided by its assurance, but so far as the petty states were concerned it generally did not miss such opportunities of interference whenever occasions arose. Despite the assurances given through the Queen's Proclamation the Government of India imposed restrictions on the internal independence of the states and disabilities of different kinds were placed upon them which proved galling to them. Some of these disabilities arose out of treaty provisions. For instance, the Government of India forbade the states to hold communications with foreign powers and even interstatal relations were prohibited. It imposed restrictions on the upkeep of their military force beyond a certain number fixed by the paramount power from time to time and maintenance of fortifications were prevented. It did not permit civil war between the states and arbitrated in any disputes among them. These restrictions greatly curtailed their independence, but these were the necessary conditions of the protection which they received from the paramount power. But in the post-Mutiny era the relations between the paramount power and the states were governed more by usage and political practice than by treaties previously or subsequently concluded. Indeed, the Government of India, in later years, ignored the old treaties whenever it suited its changing policy to do so and developed new conventions to serve current needs. The abandonment of the policy of annexation was a relief for the princes, but Canning enjoined upon them to wisely govern their respective territories for the benefit and welfare of their subjects. Whenever the princes defaulted and resorted to misrule the Government of India took serious notice of such dereliction of duties and interposed when the situation drifted to anarchy or misgovernment. In this connection Canning in his minute, dated 30 April 1860, stated that "nothing will debar the Government of India to set right serious abuses in a native government as may threaten any part of the country with

anarchy or disturbance nor from assuming temporary charge of a native state when there shall be sufficient reason to do so. This has long been the practice."⁶⁷ He was not wrong in referring to previous practice. Hardinge had observed twelve years earlier (1848) : "The Government can never consent to incur the reproach of becoming indirectly the instrument of the oppression of the people committed to the prince's charge. If the aversion of a people to a prince's rule should by his injustice become so universal as to cause the people to seek his downfall, the Government are bound by no obligation to force the people to submit to a ruler who has deprived himself of the allegiance by his misconduct."⁶⁸ As Sir Charles Wood defined the policy as follows ; "I would let any ruler do nearly what he liked within his own state. If the condition of his territory affects that of his neighbours, he becomes a public nuisance and we should interfere. So perhaps if a long state of anarchy and bloodshed prevails, but I would not interfere for mere y family quarrels."⁶⁹

Internal administration in most of the Indian states was slack and rotten to the core. In most cases the princes were unenlightened and the administration was run on medieval lines and in a slipshod manner. The relations between the rulers and the ruled were far from happy. Brought up in the vicious atmosphere of *zenana* influence, the personal character of the princes developed on extremely unhealthy lines. Palace intrigues and personal jealousies bedevilled the Durbars of the Indian rulers. Surrounded by a band of uneducated parasites, buffons and tale-tellers, the princes often indulged in costly but ugly merry-makings, thereby draining the resources of the states. Naturally the administration was neglected and in such circumstances greedy courtiers and rapacious officials reaped the harvests. There was hardly any attempt at securing the welfare of the subjects ; oppression continued, justice was

67 Quoted in Lee-Warner, op. cit., p. 164

68 Quoted in Tupper, op. cit., p. 305.

69 Quoted in Thomas R. Metcalfe, op. cit., p. 227.

protected, and law and order collapsed. Robbers and highway-men like the Pathans, the Maras and the Bays etc. infested the borders of India. Trade and commerce came to a halt for lack of safety. When this anarchy condition continued for centuries, it was followed by this but been the trend of concentration on the minority of the Indian states from the beginning of the nineteenth century. Tupper has very aptly depicted the state of the government of the majority of the Indian states in the following words: "There may, he says, there the misrule of the state, lawlessness and it is a hindrance to the welfare of all except the army, the court, and the privileged classes, may be gradually being brought under government. There may be no outcry, no widespread discontent, no glaring iniquity; but, either from the ill-health and impuity of the chief or from his jealousy of other authority, there may be a complete block of business. It may be impossible to get any long and intricate case decided because, the chief either will not or cannot deal with it himself and will not allow it to be dealt with his subordinates. There may be a slipshod style of work in all departments; the administration of justice may be slow, careless, often corrupt. At the capital, we may see a veneer of civilisation, and a number of officials with high-sounding titles of state. Five miles away there may be complete neglect of the most elementary requisites of efficient administration."⁷⁰ The people were goaded to rebellion only when oppression and corruption exceeded all limits of toleration. Then, unable to pacify the rebels, the rulers appealed to the Government of India. The paramount power knew how unpopular and powerless the rulers were. The army which they were permitted to keep was utterly inefficient and badly organised. When internal peace was threatened by popular discontent or feudal rebellion the paramount power came forward to reduce to obedience the rebellious subjects. Such interference did not require any specific treaty provision; it was the logical consequence of the paramount power's guarantee of internal peace. But it was

⁷⁰ Tupper, op. cit., p. 306.

within the paramount power's discretion to decide when, and in what manner, that guarantee would be implemented.

This system indirectly promoted the very evil which it was intended to curb, viz. maladministration in the states. Assured of British protection and propped up by it in its critical hours, the Indian princes developed a sense of autocracy. They treated their subjects very harshly and highhandedly and hardly felt the necessity of ruling their states wisely so as to keep them satisfied. The paramount power was not altogether blind to the sufferings inflicted upon their subjects by their masters. Where the grievances of the people were genuine, where the rulers were deliberately callous to the welfare of the people, and where there was a decided falling off in all the branches of the administration, the Government of India intervened to secure good government and welfare of the people and took the remedial measures to correct gross abuses. "The guarantee to protect a prince against insurrection carries with it an obligation to enquire into the causes of insurrection and to demand that the princes shall remedy the legitimate grievances, and obligation to prescribe measures necessary to this result."⁷¹ This exercise of interference for rectifying evils in the government of the states put limitations on the sovereign position of the states. Though they repeatedly raised their voices against this encroachment on their sovereignty as amounting to violation of treaty rights still they had to acknowledge the position and they remained contented with a sovereignty hedged with so many reservations.

When the Company was not a political power and the policy of ring-fence was in the ascendancy, it studiously avoided interference in the internal affairs of the states. This trend continued till the advent of Wellesley who, for the purpose of defending the Company's territories without expenditure, enunciated the subsidiary system. The subsidiary treaties concluded with the major Indian states guaranteed the absolute authority of the ruler over his own subjects and repudiated any claim to inter-

71 *Butler Committee Report*, p. 28.

venue in internal affairs. But Wellesley clearly recognised that non-intervention would have "baneful influence" at least in certain cases. He observed : "...Recollecting the inconvenience and embarrassments which had arisen to the parties concerned under the double governments and conflicting authorities unfortunately established in Oude, the Carnatic and Tanjore, I shall resolve to reserve for the Company the most extensive and indisputable powers of interposition in the internal affairs of Mysore, as well as unlimited right of assuming the direct management of the country."⁷² The assertion of this right became necessary in days of Bentinck when it was found that "the government had become venal and corrupt."⁷³

The pre-Mutiny period beginning from Lord Hastings witnessed the loose application of the doctrine of interference. His treaties with the Rajput states reserved for the Company the right of protection and arbitration of all disputes amongst them. But this right was not systematically exercised. In 1830, for example, the Government of India declined to interfere in the affairs of Bikaner when the prince, faced by the rebellion of his nobles, appealed for help. He was clearly given to understand that he had no right to call upon the suzerain Power for military aid against his disaffected subjects.⁷⁴ The Holkar state had similar experience in 1835. Unable to tolerate the oppression of Rewaji Phansia,⁷⁵ the minister of Hari Rao

72 Political Despatch from Secretary of State, No. 48, 17 July 1863, Para. 8.

73 Observation of Sir Mark Cubbon. Quoted in Political Despatch from Secretary of State, No. 48, 17 July 1863.

74 Aitchison, *Treaties, Engagements and Sanads*, Vol. III, p. 338. (ed. 1909).

75 This man was an abandoned child picked up by Holkar from the bank of a river. He was kept in confinement for 13 years. The Resident described him as "totally destitute of property and influence." Under him the affairs of the state, particularly its finances, deteriorated and were in desperate disorder. Hari Rao was "prey to indolence and indulgences unsuitable to his station." (P. C., 19 June 1834, Nos. 72, 74).

Holkar, the people began to seethe with discontent and finally made an attack on the palace for the purpose of assassinating the Maharaja and his minister. Hari Rao appealed to the Government of India for help, but was refused on the ground that the engagement to maintain the internal peace of the state depended on the condition that the measures of its Government were not directly or indirectly the cause of disturbance.⁷⁶ Another ground for refusal was that the grant of assistance would require a continual interference in the internal affairs of the state, inconsistent alike with the position of Holkar and the policy of the Supreme Government.⁷⁷ There are several instances indicting that the Government of India, in the pre-Mutiny period, did not follow any uniform policy so far as the question of interference was concerned. Interference or non-interference depended largely on the personal views of Governors-General, and sometimes it was dictated by the British interests of the moment. Lee-Warner very correctly observes that "so long as the doctrine of non-intervention and subordinate isolation was rigidly enforced, the Company interfered, or not, according to the conception of its own interests."⁷⁸

Under the Crown that policy "which at one moment would interfere in the minute affairs of administration and at another leave the ruler free to do anything he chose," was abandoned⁷⁹ in favour of a policy of benevolent interference. Henceforth the paramount power would interfere not for the sake of aggrandisement in the form of annexation of territory but for rectifying those abuses which called for intervention. This led gradually to the development of a policy of more or less minute interference in the details of administration in the states. Joseph Chailly rightly remarks : "Abstention from interference in the affairs of native

76 Repeated British advice for removal of abuses was of no avail (P. C., 19 June 1834, No. 73).

77 Aitchison, *Treaties, Engagements and Sanads*, Vol. IV, p. 18' (ed. 1909).

78 Lee-Warner, op. cit., p. 299.

79 Panikkar, *The Evolution of British Policy towards Indian state*. (1774-1858), p. 89.

states had rendered drastic interference necessary."⁸⁰ The paramount power now agreed to protect the states from their rebellious subjects, but it asked the rulers and the princes to minimise the need for such protection by conducting the administration justly to the satisfaction of their subjects. Tupper observed that interference could be effectively restricted if only the Indian rulers maintained good government. "Chiefs," he wrote, "who govern well need not have any fear of interference. The British Government has responsibilities upon it which are heavy enough without its seeking to add to them. Good administration, however, is not easy. It requires experience, capacity, constant hard work and for a chief we must add good and trustworthy advisers."⁸¹

The obligation of the Indian princes to maintain good government was enunciated by the Viceroys from time to time. To the chiefs of Rajputana and Central India assembled at Agra, Lawrence said : "The act of governing wisely and well is a difficult one, which is only to be attained by much thought and care and labour, of all fame that great men can acquire, that alone is worth having which is accorded to a just and benevolent ruler. The names of conquerors and heroes are forgotten. But those of virtuous and wise chiefs live for ever."⁸² Mayo, addressing the Rajput chiefs, reminded them of their duties and obligations towards their subjects in the following words : "...If you wish to be a great man of my court, govern well at home. Be just and merciful to your people. We do not ask whether you come with clean hands. No presents that you may bring can buy the British favour ; no display which you may make will raise your dignity in our eyes ; no cringing or flattery will gain friendship." He continued : "We estimate you not by the splendour of your offerings to us, nor by the pomp of your retinue but by conduct of your subjects at home. For ourselves, we have nothing to

80 Chailly, *Administrative Problems of British India*, p. 215.

81 Tupper, *op cit.*, p. 307.

82 Aitchison, *Lord Lawrence and the Reconstruction of India under the Crown*, p. 140.

ask of you. But for your people we demand good government and we shall judge you by this standard alone. And in our private friendship and hospitality we shall prefer the smallest feudatory who rules righteously to the greatest Prince who misgoverns his people.⁸³ In 1875 Northbrook wrote to the Gaikwad of Baroda, "My friend, I cannot consent to employ British troops to protect any one in course of wrong doing. Misrule on the part of the government which is upheld by British power is misrule in the responsibility for which the British Government becomes in a measure involved. It becomes therefore not only the right but the positive duty of the British Government to see that the administration of a state in such a condition is reformed and gross abuses are removed."⁸⁴ Ripon said on one occasion: "It is well known and should be everywhere understood that the British always entertain not only a desire for the honour and advantage of the chiefs but a deep solicitude for their subjects and that we measure the greatness of a state and the degree of its prosperity not too much by the brilliancy of its courts or even by power and perfection of its army as by the happiness and contentment of the people."

Despite such exhortations and warnings the Government of India never failed to come to the protection of the Indian princes whenever and wherever the people, goaded by desperation, raised the standard of rebellion against their oppressive masters. By rescuing them from the hands of the mutinous subjects and by perpetuating them in their hereditary position, the paramount power wrested from them complete obedience. At the same time by posing as the champion of the welfare and the happiness of the people of the states against the oppressive rulers, it appeared in their eyes in the role of saviour. Thus the new policy succeeded in rallying both the rulers and the ruled round the imperial authority and enabled it silently but steadily to consolidate its position in the states. The suzerainty of the Crown

83 Hunter, *The Earl of Mayo*, pp. 103-104.

84 P. C. (A), Aug. 1875, No. 168.

became the integrating factor converting this sub-continent to virtually a single political unit."⁸⁶

"One Charge"

The Mutiny and its immediate aftermath thus inaugurated a total change in the relations between the Government of India and the Indian states. Although in the changed circumstances the Indian states lost some of their cherished privileges, their period of isolation from the rest of India came to an end and they moved, consciously or unconsciously, in the same parallel line to reach a common goal. In fact the period following the Mutiny witnessed the elaboration as well as the fulfilment of Canning's favourite theory of "one charge," that is, "that India under direct rule and India under the Princes constituted in effect one political unit."⁸⁶ This theory of India as a single conception brought about a radical transformation in the constitutional position of the Indian states. The independent and foreign allies of the Company over whom no paramountcy existed previously became transformed into, in the words of Canning, feudatories. The last vestiges of the royal house of Delhi had been erased and "the Crown of England stood forward," Canning declared in 1862, "the unquestioned Ruler and Paramount Power in all India."⁸⁷ He added : "...the Crown of England was for the first time brought face to face with the feudatories, and there was a reality in the suzerainty of the sovereign of England, which never existed before, and which was eagerly acknowledged

(85) "The Indian law codes contain two definitions of cardinal importance. One is 'British India', the other 'India'. 'British India' means all places and territories within the King's dominions which are governed by him through the Governor-General in Council. 'India' includes 'British India' together with any territories of any prince or chief under the suzerainty of His Majesty, exercised through the Governor-General in Council." (Sir T. W. Holderness, *Peoples and Problems of India* p. 181).

86 R. C. Majumdar, *British Paramountcy and Indian Renaissance*, Vol. IX, Part I, p. 960.

87 Ibid.

by the chiefs.”⁸⁸ From these official statements Dodwell draws the conclusion : “The Princes were no longer looked upon as rulers driven by force into an unequal alliance. They have become members of the empire and the new position was not accepted unwillingly.”⁸⁹

The two terms “feudatory” and “suzerainty” acquired significant meanings in the context of the changed relationship consequent on the transfer of power from the Company to the Crown. R. C. Majumdar rightly says that “a silent constitutional revolution had been effected by the transfer of power to the British Crown as suzerain authority, and a legal theory had to be found to justify it. This was provided by the Sanads of Adoption given to all the states which were recognised as such.”⁹⁰ The right of adoption was granted, as has been stated before, on the condition of loyalty to the crown. Suzerainty was thus given a legal basis and the paramountcy of the British Government was solidly established in exchange for the perpetuation of the ruling dynasties. “India thus passed to the Crown had, in effect, become ‘one charge’, as Lord Canning profoundly claimed and the states became members of a single polity over which the Central Government of India presided with a double face,—a dual personality.”⁹¹ Even the loyalty of the ruling house was not enough ; in the Manipur rebellion (1891) the British demand extended to direct allegiance of the subjects of the states to the paramount power. The subjects of the chiefs would henceforth become the subjects of the Queen Empress. The theory of “one charge” was a continuous process.

The theory of “one charge” further manifested itself in the development of communications, the building of railways, the construction of telegraph lines, and the establishment of the imperial postal system which maintained postal links with the

88 Ibid., p 961.

89 *The Cambridge History of India*, Vol. VI, p. 494.

90 R. C. Majumdar, op. cit., p. 961.

91 Ibid., p. 962.

remote parts of the country. The British Indian currency was circulated throughout the whole length and breadth of India ; it either displaced the local Indian coinage or existed side by side with the currency of the Indian states. The organisation of the Imperial Service Troops was intended for the defence of British as well as of Indian India and the princes were required to bear a part of the expenses. The schools and colleges of the states became affiliated with the universities of the Presidency towns. The spirit of British legislation exercised immense influence on the laws of the states and the civil and criminal jurisdiction of the several High Courts which were established in the Presidency towns came to be felt in the judicial administration of the states. The principles of British revenue were applied whenever opportunity presented itself, particularly during the minorities and regencies when Residents or Political Agents or loan officers supervised the administration of the states. The net result was the consolidation of British rule in India and the enlightenment of the administration of the Indian states. The period following the Mutiny saw the theory of "one charge" making practical headway all the time in all directions by way of linking the interests of the states with those of British India. The theory, which Canning hopefully adumbrated, reached its culmination during the Viceroyalty of Curzon.

Control over Succession

The Adoption *Sanads* removed from the minds of the Indian princes the feelings of uncertainty and uneasiness which Dalhousie's policy of lapse and escheat had created in pre-Mutiny years. But the Government of India, while granting the privilege generously to all princes and rulers, wanted that it should be used properly in the interest of the state. There arose no difficulty where a childless ruling prince duly adopted a son or nominated his successor in accordance with the terms of the Adoption *Sanad*; the Government of India usually endorsed his choice. As a general principle no succession could be valid unless recognised by the paramount power. In case of any contest over succession, natural or adopted, the Government of India reserved to itself the right to impose its decision. Disputed succession were usually attended with disorder, and interference was necessary for preservation of peace and tranquillity.

Complications also arose when a childless prince, Hindu or Muslim, adopted a collateral successor without inherited rights from a remoter branch superseding the claim of a natural collateral heir with inherited rights. Lee-Warner says: "It is sufficient to state the rule that if disputes arise either under the *Sanads* or outside them, the Viceroy, as representative of His Majesty, has the right to settle them." Disputes relating to succession in Hyderabad, Bahawalpur, Kashmir, Nownagar, Alwar and Baroda were among the typical cases in which important principles applicable to contested successions were enunciated.

Hyderabad Succession

When a Mussalman chief had no lineal heir it was doubtful whether he possessed much latitude in the choice of a successor from among collaterals. Having regard to this doubt, and to

the fact that the concession of such a right to the chief would tend to promote intrigue and disturbance, the Government of India, in view of its responsibility for the peace of the country, refused to recognise the right of the chief to exclude by the selection of a more remote collateral heir, or of a successor without inherited rights, the person who stood next in order of succession. But if any member of the ruling family other than the person who stood next in order of succession was selected or intended to be selected by the ruling family, and supported by the principal dignitaries and nobles of the state and accepted by the people, the Government of India did not consider itself bound to uphold the natural successor, but was at liberty to exercise its discretion in giving or denying its approval to the person selected. The ordinary rules of private inheritance under the Mahomedan law were not in all respects held to be applicable to cases of quasi-regal successions in Indian states.

In March 1864 Yule, the Resident at Hyderabad, drew the attention of the Government of India to the fact that the ruling Nizam, Afzul-ud-daulah, was not in a satisfactory state of health, and asked for instructions regarding the recognition of a successor in case the Nizam's illness should terminate fatally.¹ The circumstances under which this reference was made were somewhat peculiar. The Nizam had no son. He had one brother, Roushan-ud-daulah, and two paternal uncles, Samsam-ul-Mulk and Zulfiqar ul-Mulk. Roushan-ud-daulah was without a son, and was very unlikely to have one. Of the uncles Zulfiqar-ul-Mulk had one son and Samsam-ul Mulk had several. Admitting the right of collaterals to succeed, Roushan-ud-daulah was the heir presumptive. He was supposed to be a man of no ability or strength of character, and the Minister Salar Jang was very averse to the prospect of his succession. But at the same time the Minister admitted that his claim to succession was, under existing circumstances, paramount. There was, however, one contingency requiring consideration. The ruling Nizam feared and hated his brother, and it was apparent that under the

1 P. C. A., June 1864, No. 65.

influence of this feeling he might be induced to nominate some one else as his successor. He might select one of his uncles, or one of their sons, or in the event of his daughter, then pregnant, giving birth to a son, he might nominate that infant in preference to his brother. The possibility of any such selection being made gave rise to the following questions :

- (I) Had the Nizam a right to nominate his successor passing over the next heir or heirs ?
- (II) If he had such a right, was his choice restricted to the ruling family ?

Posing these questions for explanation, Yule pointed out that whatever might have been done in other Mussalman families, the custom of the Nizam's family was against interference with the regular order of succession. As far as he could learn no instance of such interference had ever occurred. This fact, supporting the general Mahomedan law of inheritance, would, the Resident thought, be sufficient to justify the Government of India in denying the ruling chief's right to select a successor to the exclusion of the natural heir, or, as the case might possibly be, of the whole ruling family. Yule closed his despatch with the following observations : "To allow such a selection would be unjust to the heirs and most inexpedient in itself, for the knowledge that the Nizam had our sanction to order the succession as he pleased would cause incessant intrigue and disturbances, and end probably sooner or later in the total exclusion of Nizam-ool-Moolk's descendants from the throne. I think the Sunnud for His Highness which accompanied his letter No. 256, dated the 11th March 1862, strengthens the above view of the case ; it assures him that on failure of natural heirs any succession to the Government of his state which may be legitimate according to Muhammedan law will be upheld." Such an assurance, he continued, "implies that so long as a natural heir survives he cannot be passed over in favour of a selected successor without inherited rights ; it would seem to follow from this that the person next in question could not be passed over in favour of a remote heir. It may be said, suppo-

sing the right of selection to exist, that our influence alone ought to be sufficient to secure its proper exercise, and so it would be if we had to deal with a man of sense; but this is not the case. If the present Nizam for instance imagined that we wished him to name a successor he would never do it; the idea would literally almost frighten him out of his senses.”²

When this letter came up for consideration the Government of India deemed it necessary in view of the importance of the questions involved to refer to the Secretary of State. But in the meanwhile the Resident was directed,³ in case of the Nizam's death and in the absence of any adverse communication from him, to recognise Roushan-ud-daulah as the successor.

A few days later after the issue of these instructions the Government of India wrote to the Resident in greater detail empowering him to recognise Roushan-ud-daulah in the event of the Nizam's death without male issue. Since the Nizam's relations with Roushan-ud-daulah were not satisfactory, the Government of India apprehended that the former might claim to regulate the succession according to his own wishes. If he really tried to do so, the Resident was instructed not to allow such irregular succession. “In such a case as this,” he was informed, “the right of selection being doubtful and the right of the brother to succeed in default of selection being clear, it devolves on the British Government as the paramount power, and the one Government in India responsible for the peace of the country, to regulate the succession in doubtful cases to the above extent.”⁴

In reaching this conclusion the Government of India took several points into consideration. Doubts were expressed as to whether the Nizam had much latitude or discretion in the selection of a successor under the circumstances like this and whether he had any right of selection from among the remoter collaterals passing over the natural successor. The actual words

2 Ibid.

3 P. C. (A), June 1864, No. 67.

4 P. C. (A), June 1864, No. 68.

of the *Sanad* implied, as the Resident suggested, that so long as a natural heir survived he could not be superseded in favour of a selected successor without inherited rights. "From the comprehensiveness of the term natural heirs, from the main purpose in the grant of the Sunnuds being to assure the chiefs against their territories lapsing to the British Government, and from the salvo in the Sunnuds as to the concurrence with Muhammedan Law," the Government of India drew the conclusion—as the Resident had done—that "the person next in succession could not be passed over in favour of a remoter heir." Even then the point was "not altogether free from doubt," and it was considered "requisite to take the sense of Her Majesty's Government."⁵

Putting aside the immediate question of selection the Government of India adverted also to the manner of succession in case Roushan-ud-daulah should die without issue. In that event it seemed not impossible that reasonable doubt might arise as to who was the lawful successor. If both the uncles remained alive at his death, the succession, according to Mahommedan law and the usage of the family, would, it was believed, pass to the elder of the two—Samsam-ul-Mulk. But supposing that Samsam-ul-Mulk were to die before Roushan-ud-daulah, it would then become a matter for consideration whether the son of the elder uncle should or should not succeed in preference to the younger uncle Zulfiqar-ul-Mulk. There was one principle of Mahommedan law which was valid in cases of private inheritance, *viz.*, the exclusion of the right of representation which barred grandsons, where their father had predeceased, from inheritance with sons. The question was whether this principle should be equally applicable in cases of succession to principalities where the ordinary principles of divisibility of property were inapplicable because the division of powers would be impracticable and inexpedient. "Manifestly," the Government of India observed, "the ordinary principles which regulate Muhammedan law in cases of civil

inheritance are not adapted to successions to regal or quasi-regal powers.”⁶

In referring the matter to the Secretary of State the Government of India sent two despatches⁷ detailing the circumstances of the case and the principles involved. In the first despatch the Government of India expressed a doubt whether the construction put by Yule on the terms of the *Sanad* of 1862 did not narrow the discretionary power of selection from collaterals to a greater degree than was originally intended. In explanation of this doubt the Government of India quoted certain passages of the correspondence which had passed between Canning and Her Majesty's Government before the issue of the *Sanad*. In April 1860 Lord Canning wrote as follows : “Adoption, in the full sense in which it is exercised by Hindoo chiefs, they (*i.e.* Mussalman chiefs) cannot claim. But adoption of one collateral in preference to another of closer affinity has been allowed to them, where lineal heirs have failed, and it seems that it is also in accordance with Muhammedan law and usage that the sovereign should select from among his sons the one whom he may desire to succeed him. The King of Delhi exercised this right shortly before his rebellion.... To the Muhammedan chiefs then the assurance to be given would be that the paramount power desires to see their Governments perpetuated and that any succession to them which may be legitimate according to Muhammedan law will be upheld.” In reply the Secretary of State wrote : “Presuming that in this latter case the recommendations of Your Excellency relate only to instances in which there is a failure of direct heirs, and do not contemplate any departure from the policy of recognizing the claims of primogeniture, Her Majesty's Government approve the views thus expressed.” It seemed doubtful, therefore, whether the nomination by the Nizam of a successor other than the natural heir would or would not be an abuse of the scope and purport of the *Sanads*.

6 Ibid. On this point the Government of India desired the submission of a fuller report by the Resident. It does not appear that any such report was submitted later.

7 Nos. 2 & 3, 15 June 1861.

The Government of India also submitted for consideration, in an earlier despatch dated 1 June, the question whether a younger uncle surviving should exclude the children of an uncle predeceased, *i.e.* whether, in the event of Samsam-ul-Mulk dying before the Nizam, his sons should be excluded in favour of Zulfikar-ul-Mulk.

The second despatch (No. 3 of 15 June) entered into the matter at greater length. The Government of India took up the question how far regal or quasi-regal successions could be governed by the ordinary rules of inheritance. It expressed the opinion that, considering the jealousy which the Nizam had always harboured in his mind against British interference in the management of the Hyderabad territory, he would not pass over his brother and his uncles in preference to an infant, should such be born to his daughter. Such a disposal of the succession would practically mean handing over Hyderabad to British management during a long minority. The Government of India believed that "jealousy of our power and interference would militate strongly against such a course."

Leaving aside that possibility, there were two other alternatives before the Nizam. He might pass over his brother and prefer to nominate as his successor one of his uncles or one of their sons. In that eventuality the Government of India wanted to consider the question posed by Yule whether the Nizam had a right to nominate his successor, passing over the next heir or heirs. To this query the Government of India replied in the negative; it was not disposed to allow such a latitude to the Nizam. It was, however, aware that a different view might be taken; it might be argued that the Adoption *Sanad* was granted not with the intention of curtailing the rights of the ruler to nominate or select a successor within the range of natural heirs, according to the custom of the family and the scope of Mahomedan law, but only to give the assurance that the failure of their heirs should not involve, as an inevitable consequence, the lapse of the territory and its annexation to the British provinces. In support of this view, *i.e.* that there was no intention to clip the

discretionary power hitherto exercised by the Mahommedan chiefs in the selection of successors, one might take shelter behind the explanatory despatch of Canning⁸ which stipulated with regard to the Mahommedan chiefs that the adoption of one collateral in preference to another of closer affinity had been allowed to them where lineal heir had failed, and that it was in accordance with Mahommedan law and usage that the sovereign should select from his sons whom he might desire to succeed him. There were illustrative cases, such as the Bhopal succession and the nomination made by the late King of Delhi. On that occasion, however, the Secretary of State had taken a different view. He had replied that the assurance to the Mahommedan chiefs related only to instances in which there was a failure of direct heirs and did not contemplate any departure from the policy of recognising the claims of primogeniture. In other words, in protecting the claims of primogeniture, only the right of direct lineal descendants was to be kept in view, and collaterals were not to be comprised in any protective caveat.⁹

The Secretary of State replied in the following August. He approved the orders issued for the recognition of Roushan-ud-daulah in the event of the death of the Nizam without male issue and without having made any nomination. But if "any other rulers of Hyderabad than Roushan-ud-daulah should be selected by the members of the Court, and accepted by the people," the Government of India would not be bound to support his claim but would "be at liberty to exercise your own discretion in giving the support of the British Government to any person." The Secretary of State "did not feel it possible to give more precise instructions," and relied on the Government of India for adopting such measures as might be best calculated to promote the peace and tranquillity of the Nizam's territory.

The reply did not afford any authoritative solution of the questions submitted for the consideration of Her Majesty's Government. It omitted all references to the applicability in

8 No. 43A, 30 April 1860, Para. 28.

9 Despatch from the Secretary of State, No. 59, 26 July 1860.

case of quasi-regal succession of the ordinary rules of civil inheritance, and amounted merely to an enunciation of the principle that the Government of India was not bound to uphold the succession of the nearest collateral in a Mussalman state in defiance of the wishes of the family, of the nobles, and of the people. As no reply was sent to the Secretary of State's despatch, this principle was apparently accepted by the Government of India.

The necessity for the application of the principles involved in these opinions never arose. The Nizam lived for five years longer and became the father of a son, who succeeded him. These, however, had an important bearing on the general question of succession in Mussalman states.

Bahawalpur Succession

Bahawalpur, surrounded on three sides by the independent territories of the Sikhs and the Amirs of Sind, and on the fourth by states under the Company's protection, had been frequently disgraced by internal tumults. It was cut off from the British frontiers altogether and, therefore, a very different policy was pursued towards Bahawalpur from that which was adopted in respect of states more intimately associated with British interests. The Company concluded its first treaty with Bahawalpur in 1833 leaving the Nawab absolutely independent. But as British interests got more closely interwoven with those of Ranjit Singh in connection with the attempt to re-establish Shah Shuja at Kabul, the Nawab, by the treaty of 1833, came under British protection and acknowledged the Company's supremacy; but he was declared absolute ruler of his territory. On the whole the Government of India had been less disposed to interfere in Bahawalpur affairs than in the affairs of other states.¹⁰

Muhammad Bahawal Khan, the Nawab of Bahawalpur, died in 1855. He had left six sons :—

1. Fateh Muhammad Khan (by a Daudputra wife).
2. Saadat Yar Khan (or Sadik Yar Khan) (by the wife

¹⁰ P. C. (A), May 1864, No. 133.

tant principles. The first was that while the Government of India had no desire to interfere between a chief and his relatives and dependants, it would not surrender its right to interfere if necessary and secondly, it was not advisable to encourage the chiefs to defer adoption, timely adoption being a practical safeguard against divisions in the state and against the interference of the paramount power to settle disputed succession.

In July 1868 Kirpa Ram, *Dewan* of the Maharaja of Kashmir, verbally preferred two requests on behalf of his master to the consideration of the Government of India. First, a *sana /* might be issued expressly granting succession in favour of collaterals in the event of the decease of the Maharaja's direct issue without children or without appointing an adopted heir. Secondly, an assurance might be given, as in the case of Nabha, Patiala and Jhind, to attend to no complaints or petitions brought against the Maharaja for the time being by any of his relatives or *Jagirdars*.¹⁶

Sir Donald Macleod referred these requests in a demi-official letter to Lawrence, the then Governor-General, with the intimation that the Maharaja had no wish to subject himself to a refusal in such matters. His own views were stated as follows :

"As respects the first of these, as we have already authorised him by sunnud to adopt an heir, we have assumed a right to dictate in this matter. But I presume there can be no desire or intention to restrict succession to direct lineal descent, which will certainly be opposed alike to Hindoo Law and the usage of oriental countries as regards chiefships."

"As for the second," he continued, "as we have always refrained from interfering on behalf of any complaints amongst his relatives or dependents, except those for whom from special causes we have become in any way pledged, or where their wrongs may appear of an outrageous character, the request and assurance appear to be hardly necessary. But as he wishes it, I presume there can be no objection to giving him the same assurances, as have been given to others."¹⁷

16 P. C. (A), Aug, 1868, No. 98.

17 Ibid.

The Government of India, on receipt of this letter, fully discussed the two issues. With regard to the second there was no difference of opinion. The Governor-General and his Council were firmly opposed to the concession. The Government of India was prepared at all times to respect the sovereign authority of the Maharaja over his subjects, and had never interfered between him and his relatives and dependants unless in very special and exceptional cases. But the formal assurance given in 1860 to Patiala, Jhind and Nabha, although they were in reality only a renewal of one of the clauses in the *sanads* of 1847, had been found in practice not to work well; indeed, notably in the case of the Sodhi-Sikhs and Nabha, the formal assurance given to the Raja of Nabha had resulted in misunderstanding and objectionable complications. On general grounds, therefore, the Viceroy was opposed to the grant of a similar assurance to Kashmir.¹⁸

There were special reasons as well. By Article 8 of the treaty of 1846 the Maharaja was bound to respect, in regard to the territory transferred to him, the guarantee which the Government of India had given under the treaty of Lahore, that the bonafide rights of the *Jagirdars* and their possessions would be respected and maintained for life. The obligation to maintain these rights was one from which the Government of India could not escape; it was bound to see that the Maharaja respected them in the territories which it obtained by treaty from the Lahore Durbar, and afterwards ceded to the Maharaja's father. Under these circumstances, the assurance asked for could not be granted without a breach of faith on its part. At the same time, it was categorically stated that the right of the Government of India to interfere with the Maharaja's internal government would never be unnecessarily or vexatiously exercised, but would always be limited, as in times past, to special and exceptional cases.¹⁹ With regard to the first question the Governor-General's Council was divided in opinion.

18 P. C. (A), Aug. 1868, No. 99.

19 Ibid.

The views held by the Governor-General and those members of the Council who concurred with him were explained in a despatch sent to the Secretary of State. It was pointed out that during Canning's visit to the Maharaja at his Durbar at Sialkot in March 1860, as also in the *Sanad* of 5 March 1862 assurance was given to the Maharaja of the Queen's desire to perpetuate his house. It was further promised that if a direct lineal heir should fail, the Government of India would recognise the adoption of an heir in accordance with the usages and traditions of his family ²⁰ The sovereignty of the family dated only from Maharaja Golab Singh with whom the treaty of 1846 was concluded. The ruling Maharaja had a son who was in a very delicate health, and should he die there would remain no male issue of Maharaja Golab Singh to succeed to the territories of Kashmir and Jammu. Only one son of Dhian Singh, the brother of Golab Singh, was alive and had male issue. The son was Moti Singh and it was probable that the present Maharaja, on failure of male issue, would adopt the son of Moti Singh and this adoption would be highly popular among the Hill Rajputs. These, however, were the only near relatives of Maharaja Golab Singh whose immediate family was threatened with extinction.

The Maharaja, however, sought to trace his ancestry to earlier times and asked the Government of India to consider the Rajput family of T'hrov Deo as the founder of the sovereign house of Kashmir and Jammu, Golab Singh himself being one of his descendants. It was the Maharaja's wish that the Government of India should recognise the succession of collaterals from the family of T'hrov Deo in the event of his death without leaving natural issue and without adopting an heir.

The Governor-General—with the concurrence of two members, Temple and Taylor—agreed to grant this request without hesitation, subject to the condition that, in the event of an unadopted collateral succeeding, a *nazarana* of a year's revenue of the state should be paid to the Government of India.

20 P. C. (A), Aug 1863, No. 110. Aitchison, *Treaties Engagements and Sanads*, Vol. II, p. 378. (ed, 1863).

In their opinion the concession asked by the Maharaja was, "in reality, no great extension of the boon conferred in 1860." Even without any special assurance the Maharaja had the right of adopting any descendant of T'hrov Deo; the grant of the concession would be no additional favour, but it "would be most agreeable to the feelings of the Maharaja, who like most Native Chiefs, had an aversion to adopt until the last hour." Moreover, such a concession, it was held, would dispel the notion that the Government of India had any desire for the annexation of his territories.

There were other factors which influenced Lawrence in the Maharaja's favour. Several factors had of late disturbed his mind; the deputation of a British officer to Ladak, "the somewhat arbitrary measures adopted last year with respect to Central Asian trade," and "the persistent attacks made upon his government by some of the leading newspapers in this country." The present occasion was the most fitting opportunity to demonstrate the sincerity of the promise given by Canning in 1860. By granting a concession "which cost us nothing" it would be possible to "attach a powerful ally more securely to our interests."

It was also necessary in this connection to take into consideration the services rendered by the Maharaja in 1857. Those services were rendered willingly and ungrudgingly in the hour of great need "when it was doubtful whether the British troops could longer maintain their position before Delhi, and when the slightest symptoms of wavering or disloyalty on the part of the Government of Cashmere would have produced most disastrous results in the Punjab." For such services the Maharaja had received no extraordinary reward beyond the assurance of the succession of adopted sons. But it was "a boon which lost all its value as a personal distinction by the subsequent concession of it to all chiefs, great and small, in accordance with a change of policy." It would, therefore, be illiberal and ungraceful to refuse the request preferred by the Maharaja. Moreover, Kashmir had a special position in respect of its political rela-

tions both with the Government of India and Central Asia. So it would be wrong to deny Kashmir what it might be wrong to concede to other states. There was, however, need for precaution in respect of details. The Governor-General's argument was thus stated: "We should, of course, make it distinctly understood that the collateral heir would succeed by the selection and approval of the British Government. It might possibly lead to disputes in the family if we are to leave the question to be determined at the time on purely legal grounds, as between the eldest collateral or the nearest collateral, or any other. To prevent this, while assuring the Maharaja of the perpetuation of his house by recognition of collaterals—which is in reality the gist of his request—we should add that the collateral to be put in power would be the one whom the Government of the day might select as the most fit." The Governor-General's views were opposed by Sir Henry Durand on the ground that it would create "a most inconvenient precedent." He argued that if the chiefs were encouraged to neglect the privilege of adoption which Lord Canning had bestowed upon them, the rivalry of the collaterals would be the obvious consequence and on the chief's death, he apprehended, the state would plunge into turmoil and confusion. Sir W. S. Mansfield and Stratchey subscribed to his views and Maine opined that the promise to recognise "succession to unadopted collaterals" would introduce a novelty and other princely states might demand similar concession, much to the embarrassment of the government.

Against all these views the Governor-General expressed his decided opinion "in favour of complying with the wishes of the Maharaja of Cashmere and Jummoo to the extent of granting that his chiefship should be allowed to pass even to collaterals in the event of his, or any of his descendants, dying without male heirs, either natural or by adoption." He considered himself bound in honour to support his request in recognition of "the excellent services of the late Maharaja Golab Sing, and of the present Maharajah during the mutiny in 1857," particularly

because Kashmir had received no "territorial reward" for these services."²¹

These arguments and counter-arguments were, however, brought to a close by the Secretary of State, who in his Political despatch No. 181, dated 30 November 1868, gave a decision entirely in favour of the Maharaja. In his opinion recognition would be given to the adoption of "a collateral relative descended from T'hrov Deo, in accordance with the usages and traditions of the family." Normally the Maharaja's wishes would be made known to the British Government during his life time, but the "amplest possible assurance" was to be given that the British Government "desire to perpetuate his dynasty."

Nownagar Succession

In 1872 the Government of Bombay forwarded for the decision of the Government of India copies of correspondence regarding the succession to the Nownagar state. It appeared that the Jam of Nownagar, the head of the Jhareja Rajputs of Kathiawar, desired the recognition of his son Bhim Singhji *alias* Kaloba. This son was the issue of the Jam by a Mahommedan lady named Dhuni Bai. The Jam claimed that his marriage with her was legal according to the custom of his tribe.

The Bombay Government, in referring the question for orders of the Government of India, after a preliminary explanation of the reasons which called for its settlement before the death of the ruling Jam, specified three points for consideration :

- (i) The fact as to Kaloba's birth and Dhuni Bai's marriage with the Jam.
- (ii) The law as to the legitimacy of a son born of such a marriage.
- (iii) The policy of recognising Kaloba as heir to the *gadi*.

The Bombay Government recorded its view in a curious manner. It felt it was not "in a position to negative the claims put forward by His Highness on behalf of his son ;" but "after

giving to the matter much anxious consideration," it was not prepared to recommend in favour of Kaloba's succession.²² The question of policy was apparently given greater weight than the merits of the claim.

As regards the facts of the case, it was established that Kaloba was born in the chief's palace, and had always been recognised a legitimate son and heir presumptive. His mother, Dhuni Bai, had been publicly acknowledged, and had always received not only the treatment and status of a lawful wife, but even some marks of exceptional favour.

Kaloba was, therefore, the *de facto* son of a *de facto* marriage. As regards the validity of the marriage there was a difference of opinion ; on the one hand it was maintained that the Jam's family was under general Hindu law ; that if the Jam chose openly to become a Mahommedan he might regulate the succession by Mahommedan usage, but he could not pick and choose between the customs of two religions. On the other hand, the Jam contended that he and his family were, and had been, for centuries, on the border between two religions. He urged that the matter ought to be judged by the traditions and customs of his family and tribe, according to which the marriage of a Jhareja Rajput with a Mahommedan was allowed.

It was not disputed that such marriages had frequently taken place and had been recognised by the tribe. There was indeed a strong party who objected to those marriages, from a desire apparently to introduce rigid Hindu customs among the Jharejas. But curiously enough the leader of this party, the Rao of Kutch, was himself descended from a Mussalman slave girl. The Jam's views were by no means without support. Among those who favoured Kaloba's succession were many influential Jhareja chiefs, and all the next-of-kin who would have had a claim to the succession if Kaloba had been set aside. Judged by the customs and traditions of the tribe the marriage was held to be lawful.

As regards the policy of recognising Kaloba, there was one serious objection. The boy was dull and his education had been neglected. But there was no reason to believe that in these respects any other eligible successor was better qualified. In other respects the advantages and disadvantages of the step were almost evenly balanced.

After full consideration of these difficulties brought to notice by the Government of Bombay and the Political Officers, the Government of India decided that Kaloba should be recognised.²³ It was not disposed to attach much importance to the objections of the Rao of Kutch and his party. Nor was it "the policy of Government to impose restrictions upon the freedom which the ancient tribal customs or recognised practices of the Jharejas might permit in the matter of a choice of wife." It was necessary that the question of succession should be settled without delay. The current uncertainty was absorbing the Jam's thoughts and introducing disorder into his affairs. In the interest of the state it was desirable to put an end to the uncertainty and intrigues which invariably attended a disputed succession. Accordingly the Jam was informed that "if his family circumstances remain as at present, the British Government will recognise Kaloba alias Bhim Singhjee as his successor."

The case was important as it established for future guidance two important principles. In the first place, as disputed successions in the states were almost invariably attended by disorder and intrigue, the Government of India always wanted to avoid it. With this end in view the Government of India, in some cases, in the life time of a ruling chief, extended a provisional guarantee of recognition to some particular candidate for succession. Secondly, it was not the policy of the Government of India to impose any restrictions upon the freedom which ancient tribal customs or recognised practices might permit in the matter of marriage. On the other hand, in dealing with disputed successions due regard was paid to such ancient tribal

23 P. C. (A), Aug. 1872, No. 209.

customs or recognised practices.²⁴ When a custom had a continuous existence it suspended the general law.

Alwar Succession

Maharao Raja Sheodan Singh of Alwar died childless in October 1874. The ruling family became absolutely extinct as he neither availed himself of the right to adopt nor even signified his wishes in regard to succession. In the normal course the state should have very legitimately lapsed to the paramount power. But the Queen's Proclamation had guaranteed the perpetuity of the ruling houses. Therefore "with reference to the past history of the Alwar State, our present position towards it and the circumstances of the case generally," the Government of India decided to select a ruler from among the collateral branches of the family.²⁵

There were among the collateral relations two candidates who were deemed most suitable for selection : thakur Lakhdiar Singh of the Bijawar family, aged 56, and Mangal Singh of Thanna family, aged 16. The former was the most closely related to the former chief. Moreover, it appeared from the genealogical table furnished by the Political Agent that Lakhdiar Singh's branch was descended from the great-grandfather of the first chief of Alwar, whereas the branch to which Mangal Singh belonged was descended from an ancestor two generations further removed, and that Lakhdiar Singh was related to the late chief in the 11th degree and Mangal Singh in the 16th. The Political Agent also reported that Lakhdiar Singh was reported to be a man of ripe experience and administrative ability. To the Government of India, however, the prospect of the candidature of Mangal Singh seemed brighter as "there is a strong feeling in the family, in the council, and in the State generally in favour of a selection from the Thanna family." Moreover, the Thanna branch had a claim of precedence as all the previous rulers of Alwar had been selected from this branch. As regards

24 H. M. Durand, *Leading Cases*, p. 29.

25 P. C. (A), Feb. 1875. Nos. 109, 111, 113.

his fitness for rule, it was reported that he had no apparent defect which would render his selection discreditable.

Besides these two candidates there was possibility of a third course, *i. e.* selection from the collateral members of the family or the twelve *Kothris* generally. But this course was rejected by the Agent to the Governor-General for Rajputana who thought that such extension of the field of selection would raise groundless hopes in many quarters and add to the elements of discontent and disorder. The Government of India supported this view.²⁶ So the selection remained confined to two candidates, Lakhdia Singh and Mangal Singh.

The selection of Lakhdia Singh would mean the withdrawal of such British control over the affairs of the Alwar state as had been exercised since the accession of the late chief, whereas the selection of Mangal Singh—a minor—would require no such change. This was an argument in favour of Lakhdia Singh, as the Agent to the Governor-General for Rajputana pointed out. He wrote: "If Mangal Singh, who is a minor, be selected for the *guddee* the functions of the Political Agent must at least for a period of four or five years involve a more minute interference with the details of administration than would be necessary in the event of a ripe administrator like Lukdia Sing becoming Ruler; and this fact is, in my opinion, a reason why, *coetris paribus*, we should prefer Lukdia Sing to Mangal Sing. In any case the principle to be observed is that of withdrawal from the minute interference with the internal affairs of Alwar so soon as we possibly can consistently with our obligations to the people." But the Government of India could not or should not, he observed, itself select a ruler, for such a selection would thrust upon its shoulders all the responsibility. Moreover, it would be in some degree a departure from the Government's policy of recognising a competent ruler accepted by the state concerned.²⁷ In the circumstances the Government of India thought it wise to leave the selection of their chief in the hands of the people.

²⁶ P. C. (A), Feb. 1875, No. 109.

²⁷ P. C. (A), Feb. 1875, No. 122.

There was no prospect of unanimity and the claims of the two candidates could not be reconciled. Voting was insisted upon ; Mangal Singh was elected²⁸ and the candidature of Lakhdiar Singh was discarded. The Government of India confirmed Mangal Singh as the ruler of the Alwar state.²⁹ But Lakhdiar Singh refused to acknowledge the defeat ; rather he and his adherents accused the officiating Political Agent of having influenced the election in favour of Mangal Singh. An enquiry was instituted and it was reported that the allegations were without foundations.³⁰ The chief-elect was duly installed on the *gadi* with the usual formalities.³¹ In the meantime a council was formed under the presidency of the Political Agent for conducting the administration of the state during the minority of the chief and administrative reorganisation was undertaken.³²

Baroda Succession

The problem of Baroda succession arising out of the deposition of Malhar Rao Gaikwad and the interdiction placed on the members of his family regarding their right to succession³³ raised many complications, and the Government of India had to go through a lengthy process of choice and rejection to select the rightful successor for the *gadi* of Baroda. In determining the measures to be taken for the selection of a ruler in the situation following the deposition of the Gaikwad the Government had to bear in mind that no mere question of law or claim of right was involved. The deposition of Malhar Rao was an "act of state ;" the selection of his successor was equally so. The questions for consideration were questions of policy or political expediency of which courts of law had no cognisance. The obligations imposed upon the Government in deciding the

28 P. C. (A), Feb. 1875, No. 116.

29 P. C. (A), Feb. 1875, No. 120.

30 P. C. (A), Feb. 1875, No. 134.

31 P. C. (A), Feb. 1875, No. 138.

32 P. C. (A), Feb. 1875, Nos. 134, 135.

33 See Chapter V.

matter was the moral obligation to do what seemed best for the interest of the Baroda state and the British empire in India.³⁴ This point of view was explained by the Governor-General in a personal note in the following words : "We have effected a *coup d'etat* or a revolution ; although in determining what is to be done in consequence, we may give weight to this consideration or that, these considerations have only such force as we choose to give to them. There is no question of law or right involved, except the law of the strongest and the moral obligations to do what, on full consideration, appears to be the best for the Baroda state and the Empire. The questions involved are the questions of expediency or policy of which courts of law have no cognizance. Government, in deciding the matter, will perform an act of state, and the only limitations on its actions are the self-imposed limitations of what it honestly holds to be right."³⁵

In performing this "act of state" the Government of India had to face great difficulties. Doubts as to the legitimacy of one branch of the family had to be settled. Moreover, the selection of the individual who would be most likely to prove a good ruler required considerable judgment.

The Government of India allowed Jumna Bai (widow of late Khande Rao Gaikwad, elder brother and predecessor of Malhar Rao) to adopt some member of the Gaikwad house whom it, *i. e.* the Government of India, might select as the most suitable person for conferment of the sovereignty of the Baroda state, but three conditions were imposed restricting her choice. The person chosen (1) must not be lineally descended from Malhar Rao, (2) must be a member of the House of Gaikwad ; and (3) must be one whom she could with propriety adopt.³⁶ The Government of India had, therefore, to weigh the qualifications of the several claimants in the light of these self-imposed conditions.

Under the first head came two claimants. They were, firstly,

34 P. C. (A), July 1875, No. 379.

35 K. W., P. C. (A), July 1875, Nos. 299-381.

36 P. C. (A), July 1875, No. 379, Para. 9.

a grandson of Malhar Rao by his daughter Kama Bai, and secondly, a reputed son of Malhar Rao by his reputed wife, Luxma Bai.

Under the second head came, firstly, Sadasheo Rao, commonly called Rao Sahib, who claimed descent from Pilaji Gaikwad, in virtue of the adoption of his father, Govind Rao, by the widow of Fateh Singh, a lineal descendant of Pilaji. The second group of claimants under this head were Gabaji Rao and others, who claimed descent from Pilaji through his son, Pertab Rao, commonly called Tatyasaheb. The claimants under the second head were generally known as the "Khandeish family." Another claimant was Gangaji Rao Khanvelkar who claimed descent from Pilaji through Ganga Bai, a daughter of a Sayaji Rao Holkar.

The first condition at once excluded the grandson of Malhar Rao by his daughter Kama Bai who was described by Sir Richard Meade as "a wretched child," and hence could not have been a creditable selection. The next claimant was Luxma Bai's child by Malhar Rao. His marriage with Luxma Bai was unpopular and irregular and this created profound dissatisfaction among the *sirdars*. Moreover, the selection of this child, who was a lineal descendant of Malhar Rao, was considered undesirable and hence his candidature was dropped.³⁷

With reference to the second condition, it happened that the legitimacy of an important branch of the Gaikwad family was at that time in dispute. The "Khandeish family" claimed descent from Pertab Rao whose legitimacy was doubtful. Before the claim of this branch of the family could be taken into consideration, it was necessary that reasonable evidence of the legitimacy of Pertab Rao should be produced.

The records obtained at the Residency described Pertab Rao as illegitimate. These records further stated that the "Khandeish family" had been cut off from Baroda at Pertab Rao's death and that the family had never received any provision from the rulers of the state and had fallen in complete obscurity. The

Residency records were corroborated by the facts submitted by Col. Etherride and the Magistrate of Nasik who conducted the enquiry into the case. Finally, there was a general belief in Baroda that the family was illegitimate.³⁸ With this view the Bombay Government, Sir Richard Meade, Sir Madhava Rao and the Gaikwad's family priest expressed their concurrence. Still the Government of India did not altogether exclude the claimants of the "Khandeish family" from among persons to whom the final selection was to be confined. Besides the "Khandeish family" there were three other candidates: Sadasheo Rao, Ganpat Rao and Khande Rao.

In making a final selection from among them, there were certain considerations to which the Government of India decided to give weight "with reference to the future interests of the Baroda State and the smooth working of the administration to be established in the person of the candidate selected."³⁹ These considerations were :

1. Relations of the several claimants to Khande Rao Gaikwad.
2. Personal fitness to rule if an adult were to be chosen.
3. General intelligence and capability for education if a minor were to be chosen.
4. Acceptibility of the person selected to the leading nobles and influential persons.

Judged by the first consideration, Sadasheo Rao, cousin by adoption of Khande Rao, had undoubtedly the best claim. Judged by the second, his claim was bad. He was thirty years of age and had nothing to recommend him on the score of personal fitness. Under these circumstances the Government of India had no hesitation in setting him aside. This decision was explained in the following words which involved an important principle : "It seemed to us that under no circumstances should we have been justified in selecting for succession a person

38 Ibid, Para 11.

39 Political Despatch to the Secy. of State, No. 111, 27 May 1875.

who, whatever might be his other claims, was lacking in the primary requisite of personal fitness for rule."

Of the remaining candidates, "the Khandeish family," had, if legitimate, the best claim by relationship, the only other claimants being two brothers, named Gargat Rao and Klande Rao, who were descended from an uncle of Pertab Rao, the founder of the "Khandeish family." Of these two candidates little was known. They were aged respectively 26 and 22, and there was no reason to believe that they were either of them qualified to fulfil the duties of the ruler of the state. Of the personal qualification of the claimants of the "Khandeish family" the government was equally ignorant, except for the fact that there were among them boys of an age admitting of education. With respect to the popular estimation of the candidates there seemed little to choose between them. The principal *sirdars* professed themselves, in a general way, in favour of one or other of the three Baroda candidates (Sadashco Rao and the two brothers), but they expressed their readiness to abide by whatever decision the Government of India might make. The "Khandeish family" had no party in Baroda. But Jumna Bai was "very much averse" from adopting any of the Baroda candidates.

Thus there was no crucial factor to guide the judgment of the Government of India. There was no probability of further information of importance respecting the various candidates being procured. There was persistent pressure upon Sir Richard Meade by the *sirdars* for an acceptable settlement of the succession question. In this predicament the Government of India asked Sir Richard Meade to recommend one of the claimants with reference to local considerations in regard to which he was in the best position to form an opinion. With the concurrence of Sir Madhava Rao he recommended the selection of one of the three boys of the "Khandeish family." Jumna Bai was also in favour of adopting one of them: she expressed her strongest repugnance to the adoption of any of the three Baroda claimants. The Government of India

considered it advantageous to select a boy "who could be carefully trained for his future duties rather than an adult brought up in the atmosphere of the Baroda court who had no expectation of being raised to power and no special qualifications."⁴⁰ For these reasons the Government's choice fell on the Pertab Rao line and Sir Richard Meade, in communication with Jumna Bai, was left to make the choice from among the three boys—Gopal, Sampat and Dada. The choice eventually fell on Gopal, the eldest of the three boys, whom Jumna Bai preferred to the other two. The ceremonies of adoption and installation were duly performed on 27 May 1875.

The selection of the successor was over. The people of Baroda were satisfied and the principal *sirdars* also acquiesced in the decision taken by the Government of India. A long minority followed. The British Resident was invested with the responsibility of administering the state.

40 P. C. (A), July 1875, No. 379, Para 20.

Interference In Internal Affairs (I)

Pre-Mutiny policy and practice

During the pre-Mutiny period interference by the British authorities in the internal affairs of those Indian states which had been brought within the system of Subsidiary Alliance was quite frequent. Such interference was required by the interests of the Company, by the circumstances of the time and by the character of the rulers in particular cases. Writing in 1806 Arthur Wellesley (later Duke of Wellington) observed that although there were treaty stipulations or an understanding that "the Native State should be *independent* in all the operations of its internal government," yet "the interference of the British Government was required, and all the internal concerns of the Native State submitted to its judgment." The results were extremely unsatisfactory: "increased weakness in the Native State, jealousy of this interference, and disunion bordering upon treachery." Arthur Wellesley ascribed this development to the dependence of the states on British military support: "...the army of the East India Company became the only support and the only efficient instrument of authority of the protected Native States."¹ But British policy, working through the Political Agents and Residents, played no unimportant role in subjecting the internal administration of the state to increasing British control.

In the days of Lord Wellesley the role played by the Residents was hostile to the interests of the states and derogatory to the prestige of the princes.² They reduced the Durbar administration to a shadow. They were instructed, besides

1 Quoted in A. C. Banerjee, *Indian Constitutional Documents*, Vol. I, pp. 362-363.

2 Colonel Macaulay wrote to the Raja of Cochin: "The Resident will be glad to learn that on his arrival near Cochin the Raja will find it convenient to wait upon him." (*Cochin State Manual*, p. 138).

discharging their assigned duties, to control the appointment of *Dewans* or Prime Ministers at the Indian courts. In Travancore, Cochin and Hyderabad the rulers ceased to have any voice in the appointment of their *Dewans*. The measures adopted by Burlow and Minto to secure the appointment of Mir Alam and Chandulal to the post of Prime Ministership at the Nizam's Durbar were aggressive instances of the policy of interference. The damage which the Residents thus wrought on the position of the rulers by snatching away from them the right of appointing their top civil servants reacted adversely on politics and administration. First, it encouraged court-factions. Intriguers and disaffected persons were not rare at the Indian courts. They were utilised by the designing Residents as instruments for the advancement of British interests. As these people depended on the Residents for promotions and other personal advancements they were more loyal to the Company than to their Indian masters. Secondly, the position of the rulers was considerably undermined in the eyes of their subjects, for when they saw that the top appointments in the state were controlled by a foreign agency they realised the powerlessness of their masters, and not infrequently they harboured in their minds a strong feeling of antagonism for the British. From the days of Lord Hastings to those of Dalhousie the interfering powers of the Residents enormously increased and the affairs of the states were so rigorously controlled that Panikkar dubbed the Residents as "executive officers" and not "diplomatic agents."

The evils of the system were not unknown at the highest quarters. Lord Hastings wrote in his Private Journal in February 1814: "...In our treaties with them (*i.e.* Indian princes) we recognise them as independent sovereigns. Then we send a Resident at their courts. Instead of acting in the character of ambassador, he assumes the functions of a dictator, countenances refractory subjects against them, and makes the most ostentatious exhibition of this exercise of authority. To secure himself the support of our Government, he urges some interest which, under the colour thrown upon it by him, is strenuously

limits the Maharaja submitted a long memorandum detailing therein the whole course of development and the humiliating conditions to which his relations with the British Government had brought him. But the Court of Directors endorsed the opinion of the Madras Government. The Chief Justice resigned. The Maharaja promoted Krishna Rao to the post of Head *Dewan Peshkar* and put him in charge of the administration as the only way to avoid further trouble.⁴ As Resident of Cochin, the same gallant officer set at naught the authority of the Raja and constituted himself the virtual ruler of the state. In the quarrel between the Raja (Elayah Rajah) and his Minister (Sankar Variyar) he supported the latter, much to the dislike of the former. The Raja's wrath rose to such a pitch that he "flooded the Madras Government with letters containing fiery denunciation of the Dewan and the Resident." Cullen had an insatiable love for power and "such exercise of power eventually made him so autocratic that he began to neglect to carry the wishes of the Madras Government when they did not coincide with his own."⁵ He was, however, allowed to hold his post till 1860. When the Government of India initiated proposal for suspension and enquiry he resigned.

Such cases might be treated as individual aberrations, but even an enlightened Political Officer like Metcalfe held the view that British interference in the Nizam's affairs was "not merely a right but also a duty, arising out of our supremacy in India which imposes on us the obligation of maintaining the tranquillity of all countries connected with us, and consequently of protecting the people from oppression, as no less necessary than the guaranteeing of their rulers against revolution." Lord Hastings did not agree with this view.⁶ Sir John Malcolm also condemned the policy of "minute and vexatious interference" which tended to lessen the responsibilities of the rulers. Even Metcalfe modified his own exalted view of imperial responsi-

4 *The Travancore State Manual*, Vol. II, p. 556.

5 *The Cochin State Manual*, p. 175.

6 A. C. Banerjee, *Indian Constitutional Documents*, Vol. I, p. 366.

bility by stating that "an interfering agent is a nuisance whatever he may be, and our agents are apt to take that turn."⁷ Lord Ellenborough was "determined...that the Native States should...submit to such a measure of control as might be necessary for the general order and welfare of the Empire."⁸ In his instructions to Political Officers, dated 26 April 1842, he asked them to "be mindful that even the necessary acts of authority may be clothed with the veil of courtesy and regard."⁹

Post-Mutiny period : general policy

In the period following the Mutiny the Government of India, growing wiser by the mistakes of the preceeding period which, in the language of Panikkar, reduced the rulers to "a degrading mockery of royalty," gave up the policy of "niggling" and frequent interference. The Residents and Political Officers were instructed accordingly. The belief that any man was good enough to wait on a Maharaja was renounced. It was realised that on the tact and wisdom of the Political Officers depended the welfare and freedom from oppression of hundred of thousands of men, and care was taken not to depute rash and headstrong Political Officers to the Durbars of the Indian states. They were specially instructed not to tamper with the internal management of the states and to refrain from arbitrary and dictatorial interference. Their duties were confined to giving advice to the rulers for the betterment of their administration, but such advice was not to be forced upon them. The Government of India decided to give the chief a prominent place in the administration. The administrative machineries were to be run by them, and they were to be held responsible for good and evil.

After the Maharaja of Rewa had secured the abolition of the Rewa Agency, the administration of the state had plunged

7 Quoted in Panikkar, *The Evolution of British Policy Towards Indian States*, p. 63.

8 H. M. Durand, *Life of Sir Henry Durand*, p. 83.

9 Quoted in A. C. Banerjee, *Indian Constitutional Documents*, Vol. I, p. 374.

into confusion. Robbery, violence of the thakurs and obstinacy of the police and the armed force had broken the administrative machinery. Unable to grapple with the troubles the Maharaja expressed his desire to make over the state to the Government of India for correction of wrongs from which it was suffering. But the Government of India refused to accept the assignment. "It is quite out of question," it was stated, "that we should undertake to perform the duties of the Rewah Chief, duties which is incumbent on him and him alone, to discharge."¹⁰ The Maharaja was urged to come forward for the restoration of order. Even when Dinkar Rao was appointed *Dewan* of Rewa the Maharaja was asked not to withdraw from the personal supervision of his government and leave the administration entirely in the *Dewan's* hands.¹¹ But this experiment did not succeed. The management of Rewa was made over to the Political Agent in 1875 when its administration virtually collapsed.¹²

During the absence of the Maharaja of Chirkari (in the Bundelkhand Agency) a British officer was deputed to supervise the administration of the state. But he was told that in the event of the return of the Maharaja to his state, he would reorganise the administration in consultation with him and it was desirable that the initiative should come from the ruler. "It is very desirable that the administrative reforms in a native state must be effectuated through the agency of the ruler, rather than authoritatively from the Paramount Power."¹³

Tupper aptly remarks that power and responsibility should go together and it would be unjust to insist on the responsibility of the rulers after systematically stripping them of all powers. Frequent interference, or interference on flimsy grounds, would demoralise the chiefs; again if the chiefs were distrusted or degraded they would not perform their duties properly and the

10 P. C. (A), Feb. 1867, No. 135.

11 P. C. (A), Aug. 1868 No. 2.

12 P. C. (A), March 1875, No. 399.

13 P. C. (A), June 1881, No. 372.

Durbar administration would suffer from inefficiency. Therefore the accredited Political Officers were called upon to become sincere friends, philosophers and guides of the princes ; they were required not to hurt the sentiments of the rulers by following a course of action disliked by them. They were asked to study the minds of the chiefs and to take them into confidence in all internal matters. Direct communications between the Political Officers and the subjects of the states were discouraged ; where such communications were necessary, these were to be made through the princes.

Writing to the Duke of Argyll¹⁴ on 7 February 1870 Mayo recorded his belief that improvements in the Durbar administration could not be effected "by vexatious interference in minor matters and by constant threats of deposition or by sequestration of revenue." The better method, he continued, would be "a policy which would exalt the dignity, strengthen the authority, increase the personal responsibility of those ancient families and at the same time by constant persuasion, friendly communication, firm remonstrances and kindly but determined advising, obtain real but lasting influence." The method which he preferred was thus stated : "...more is to be done with these people by personal influence and oral advice, by visiting them in the way that they think most suitable to their dignity and in conformity with ancient usage, by exalting them in the eyes of their subjects ; than by best letter writings or the firmest orders. They are proud and prejudiced, ignorant and superstitious, firmly jealous of each other, but I think that the worst and wildest of them is thoroughly amenable to the influence of a British officer of dignity and higher ranks." Therefore he recommended that the occupant of a Political Officer's post should be a man possessing "rare qualities than those which would enable a man to be a successful Governor or Lieutenant Governor."

But it is one thing to formulate policy and quite a different thing to implement it in the context of varying political situa-

tions. It is true that the years following the Mutiny seldom witnessed overt acts of interference by Political Officers at the courts of the Indian states ; but it is by no means true that the Government of India allowed the administration of the states to go unfettered. "The tyranny of the Residents" was over, but the ghost of tyranny still continued to haunt the Durbars.

The rulers were given the right to appoint their respective *Dewans* or Prime Ministers, but all such appointments had to be approved by the Government of India. Diplomatic pressures were brought to bear upon the ruler to dispense with the service of the *Dewan* who was appointed by him, but not liked by the Government of India. Usually the offence of the *Dewan* was his refusal to barter away the interests of the state at the altar of the paramount power. In most cases the ruler had to succumb to such pressures. Again, where men suitable from the British point of view were not available for the post of *Dewan*, candidates were provided from among officers in the service of the Government of India or Provincial Governments. These nominated *Dewans*, trained in the service of the British Government, were "inclined to look on the maintenance of British rights and the furtherance of European interests as their first duty."¹⁵ In the period under review the tendency to fill up important vacancies at the courts of the Indian states by loan-officers was in vogue, resulting a "peaceful penetration of British authority."¹⁶ Under this system the Residents, originally appointed as advisers, became *de facto* masters of the states, acting through the nominated *Dewan* who were their trusted lieutenants. The latter meddled in all affairs of the state—political, administrative, judicial, economic—and kept the Residents abreast with day-to-day developments at the Durbar. The chiefs dared not overrule their *Dewans* lest they should incur the displeasure of the paramount power. They were afraid of "the whisper of the Residency" which proved to be the "thunder of the state," for their counsels, if not acted upon,

15 Panikkar, *The Indian States and the Government of India*, p. 108.

16 Ibid.

such as devastating floods or widespread famines or epidemic diseases. Hence the "exigencies of the Union and the requirements of British interests defy any limitations."²²

The supremacy of the British Government and doctrine of the general welfare of the people justified every act of interference and the Government of India did not like to fetter its hands by drawing lines of demarcation with regard to its right of interference. If it had any real desire "to guard the Natives from a flood of a interference," it could have done so by defining and specifying the cases in which British interests required intervention in the affairs of the protected states. Panikkar observes in this connection that the nature of interference by the Government of India was "comprehensive and pervading" and continues to say : "...it reduces to a shadow the authority of the ruler and it assumes under the cover of indigenous agency full sovereign rights, though obviously this is directly contrary to treaty engagements."²³ In the following pages we shall see how the accredited officers of the Government of India at the courts of the Indian states interposed in their internal affairs and reduced the authority of the princes to a near-vanishing point on different pleas.

Interference for maladministration

The Government of India disapproved, as has been seen earlier, the policy of frequent or "capricious or unjust" interference in the internal affairs of the states and wanted the princes to govern their states in a neat and clean manner to the satisfaction of their subjects. In the period before the Mutiny the authorities of the Company thought that the only remedy for misgovernment lay in the annexation of states whose administration degenerated ; in the new era the Government of India studiously abandoned the policy of annexation, but it strongly put forward the claim that it had the right to look after the welfare of the people of the states, whether they were bigger states like Hyderabad, Baroda or Gwalior or smaller units like

22 Lee-Warner, op. cit., p. 285.

23 Panikkar, *Indian States and the Government of India*, p. 101.

the minor states of Kathiawar.²⁴ The need for good administration was emphasised, and it was the declared policy of the Government to help the princes with advice whenever they required it. But as long as there were "reasonable security afforded to life and property, and justice administered with tolerable fairness,"²⁵ there was no desire to interfere on the part of the paramount power. Canning, Lawrence, Mayo and Northbrook repeatedly reminded the rulers of their responsibilities and frankly warned them of the consequences that would follow if they indulged in gross misrule, forfeited their hereditary right by misconduct, or engaged in conspiratorial activities against the paramount power. Reference may be made to a few authoritative pronouncements. Under the treaty of Amritsar (16 March 1846) which created the state of Kashmir Gulab Singh held it "in independent charge." Two years later the Governor-General informed the Maharaja that "in no case would the British Government be the blind instrument of a ruler's injustice towards his peoples ; and if, in spite of friendly warnings, the evil of which the British Government may have just cause to explain, be not corrected, a system of direct interference must be resorted to."²⁶ Again, Canning, while conferring a *sanad* on the Punjab states after the Mutiny, assured Patiala on 5 May 1860 that "the British Government will not receive any complaints from any of the subjects of the Maharaja, whether Maafeedars, Jagirdars, relatives, dependants, servants or other classes," but in his minute of 30 April 1860, on the occasion of the grant of the *Adoption Sanads*, Canning very strongly recorded : "The proposed measure will not debar the Government of India from stepping in to set right serious abuses in a Native Government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a Native State when there shall be sufficient reason to do so."²⁷ In his speech to the princes assembled at

24 Panikkar, *Indian States*, p. 15.

25 Tupper, *op. cit.*, p. 303

26 Lee-Warner, *op. cit.*, p. 288

27 *Ibid.*, p. 164,

Ajmer Lord Mayo said : "If we respect your rights and privileges, you should also respect the rights and regard the privileges of those who are placed beneath your care. If we support you in your power, we expect in return good government. We demand that everywhere, throughout the length and breadth of Rajputana, justice and order shall prevail ; that every man's property shall be secure ; that the traveller shall come and go in safety ; that the cultivator shall enjoy the fruits of his labour, and the trader the produce of his commerce ; that you shall make roads, and undertake the construction of those works of irrigation which will improve the condition of the people and swell the revenues of your States ; that you shall encourage education and provide for the sick."²⁸ Lord Lansdowne observed in a Calcutta speech on 30 November 1891 : "I regard it as a matter of first rate importance that the states...should be so governed that we need have no scruple in preserving for them that measure of independence which they at present enjoy."²⁹ Lord Curzon said at Gwalior on 29 November 1899 : "He (*i. e.* 'the Native Chief') must justify and not abuse the authority committed to him, he must be the servant as well as the master of his people."³⁰ These viceregal declarations reflected a firm policy which crystallized in the second half of the nineteenth century.

The assumption of the administration of Mysore consequent on the long period of maladministration culminating in insurrection would testify to the policy the Government of India adhered to in case of gross misrule. Other instances are available in the cases of Alwar, Baroda and Bahawalpur. Indeed the Government of India jealously reserved to itself the right of intervention in its dealings with the ruling princes. If it appeared that the grievances of the people were genuine, if there were "deliberate attempts to break the tenure of large classes of

28 Hunter, *The Earl of Mayo*, p. 101.

29 Quoted in A. C. Banerjee, *Indian Constitutional Documents*, Vol. II, p. 347.

30 Ronaldshay, *The Life of Lord Curzon*, Vol. II, pp. 87-92, 214-220.

peasantry, if taxes were laid upon the peasants heavier than they can bear, if without trial men are seized and imprisoned and their property confiscated" and "the whole administration is infected with greed and suspicion and heartlessness,"³¹ the British Government could not be a helpless onlooker: it effectively stepped in to cure the malaise. Tupper rightly points out: "As the guardian of the general peace of the country, the supreme Government cannot stand by and see disorders grow up by which the peace may be threatened."³² If its warnings and advices remained unheeded and the situation continued to deteriorate, the Government of India, after the expiry of the "definite period for amendment," exercised its final power by temporarily setting aside the authority of the princes and adopting measures for the eradication of the evils. The Government of India was thus decidedly against submitting to the stigma of tolerating oppression, neither could it "force the people to submit to a ruler who has deprived himself of their allegiance by his misconduct."³³

Misgovernment did not mean inefficient, weak and corrupt government only; even tolerably efficient government might fall within this category if it was carried on in an uncivilised manner in certain respects. The practice of mutilation and similar other barbarous punishments such as impalement, *Sati*, *Samadhi*, the torture of prisoners, the forcible proselytisation of subjects to a new religion and the punishment or persecution of individuals

31 Tupper, op. cit., p. 306.

32 Ibid., p. 304.

cf. Lord Ellenborough's instructions to Political Officers (26 April 1842): "...it (i.e. the British Government) will view, with the severest displeasure, such an exercise of its rights by any power as may have tendency to disturb the public peace of India. Such disturbance of the public peace, whether effected by direct hostilities between States, or by the outbreaks which the badness of a government may provoke, or its weakness permit, could not have existence without immediately affecting the interests of the subjects of the British Government..." (H. M. Durand, *Life of Sir Henry Durand* pp. 82-83).

33 Tupper, op. cit., p. 305.

or their families because of taking service with or lodging complaints with the British authorities also fell within the category of maladministration and the Government of India took serious views of such lapses on the part of the rulers. In the 19th century more than one prince was deposed by the Government for the commission of barbarous acts and several *sanads* were issued by successive Governors-General warning them of the fatal consequences they would suffer if they aided and abetted in the commission of practices condemned by British opinion but condoned by some sections of Indian society.³⁴

Interference during ruler's minority

The Government of India exercised the maximum interference during the period of minority administration. Such occasion arose as a result of accession of minors, whether natural heirs, adopted sons, or collateral members of the ruling families. During the whole period of minority of a prince the administration was carried on in his name by a Council of Regency headed by a British Political Officer or trusted and faithful Indian *Dewan* or Prime Minister who was aided in his administrative work by a group of local persons who had previous administrative experience. During the minority of the chief of Dholpur the Government of India appointed Sir Dinkar Rao to supervise the administration of the state. But he soon resigned the post in disgust with the remark that "... his successor should be a British Officer."³⁵ A British Officer was actually appointed. A man of Sir Dinkar Rao's capacity had become the victim of vile conspiracy engineered by the Maharaja of Patiala, the widow Rani of Dholpur and some leading *sirdars* of the state. In such cases the deputed British Officers usually acted as instruments of the Government of India and worked for the promotion of British interests at the cost of the Indian states.

Sometimes administrative powers of the Council of Regency

34 Lee-Warner, op. cit., p. 303.

35 P. C. (A), Jan. 1874, No. 322.

were vested in the hands of partly British and partly Indian elements.³⁶ The Indian elements, in most cases, were chosen by the Residents or the Political Officers, and administrative directives on all matters emanated from them. In the absence of such trusted or experienced personnel in the Durbar the paramount power released from its pool men to assist the Council. These persons were generally appointed to the key posts of the administration such as assistant surgeons and medical officers, settlement officers and heads of the revenue department, and chief judicial officers.³⁷ It is true that they revitalised the administration, but at the same time they exercised a thorough control over the administration as agents of the paramount power. If any member of the Council thwarted its normal functioning, or threw in his lot with the intriguers against the Council, or indulged in activities not liked by the Government of India, the latter had the power of expelling him and reconstituting the Council. For example, the Maharaja of Bhindur, who was one of the members of Udaipur Regency Council,³⁸ was removed from his position in the Regency Council for his persistent endeavour to run the administration so as to promote his personal interests and replaced by Raja Bairisal of Dilwara.³⁹ The Government of India also expelled from the same Regency Council "some profligate and immoral men who had encouraged the young Raja (Samboo Singh) in pursuing a licentious course of life."⁴⁰ They were not only removed from the Council; the Political Agent removed them from the city. The Government of India could also reconstitute the Council if any member raised voice of opposition against the injurious penetration of British interests at the cost of the interests of the state. In fact, in minority administration the prince

36 Chailly, *op cit.*, p 218.

37 Tupper, *op. cit.*, p. 317.

38 The Udaipur Regency Council was established in February 1862 during the minority of Maharana Sambu Singh. His father Swarup Singh had died in the same year.

39 P. C. (A), June 1863, No. 9.

40 P. C. (A), April 1862, No. 183.

was reduced to a phantom head and the accredited British Officer became the virtual master.

It was Lord Mayo who first introduced the policy of setting up Regency administration whenever such opportunity arose. "It was one of the new policies inaugurated by that Viceroy (Mayo) that even better than annexation is a regency under a British official." The purpose was "to use the occasion to push British claims and establish new rights and precedents."⁴¹ A Regency Council was also constituted after the deposition of a ruler for the purpose of conducting the administration. A Regency Council was set up in Alwar after the deposition of of the ruler for maladministration in 1870 and the administration of Kota was conducted by a British Political Agent.⁴²

Another method was to depute British officers to superintend the administration of the state during the absence of the chief from the state. Jai Singh Deo, the Maharaja of Chirkari (in Bundelkhand) was treated with indignity⁴³ at the Delhi Assemblage. Smarting under a sense of dishonour he, instead of returning to Chirkari, went to Brindaban where he began to live with the Brahmins, retaining all powers of the state in his own hands.⁴⁴ Utter confusion prevailed in every department of the administration; there was a want of routine and system in conducting business. Troops were clamorous for long arrears and everybody connected with the state was unpaid. Repeated requests were made to the Maharaja for coming back to his state, but they were of no avail. In the meantime the Maharaja fell a victim to insanity. It was at this moment that the Government of India declared that the Maharaja was to be prevented from exercising any authority in the state and the administration was to be carried on during his absence by Captain Maitland, the Political Superintendent of the state.⁴⁵

41 Panikkar, *Indian States and the Government of India*, p. 56,

42 *Ibid.*

43 P. C. (A), June 1881, No. 374.

44 P. C. (A), Sept. 1879, No. 594.

45 P. C. (A), June 1881, Nos. 377, 380, 382.

The minority administration was an exact replica of the larger administrative machinery run by the Supreme Government for governing its own dominions. The Government of India, with the Regency Council under its control, usually reorganised the previous administrative set up which was outmoded and medieval in many respects and very cautiously introduced new administrative ideas to catch up with the spirit of the age. It was, however, on principle, against thoroughly overhauling the administrative machinery of the states. The reasons behind this policy found expression in the opinion of the Agent to the Governor-General for Rajputana in connection with the appeal of the Maharaja of Kota to the Government of India to take up the management of his state for restoration of order. The Agent explained the disadvantages of temporary British administration in the following words :

“(i) That we force growth, and this perhaps in a direction which the State itself would not have followed under average normal conditions of Native rule. (ii) That eventually when the State is restored to Native rule there is danger that the artificial growth raised by us will either be sapped at the roots by hostile Native officials, or itself die of inanitation. And it seems to me that the slowest social and political growth, if natural and permanent, is preferable to exotic growth, however rapid, showy, and even marvellous it may be, but which in the nature of things cannot last.”⁴⁶

Still changes were effected ; holding rights were reviewed, land revenues reassessed, burden of the peasants lessened, roads and bridges repaired, and trade and commerce offered new impetus. These measures undoubtedly satisfied the people, particularly the peasants ; but the facilities which the Government wrested from the Regency Council were important than those which it secured for the people. It persuaded the minority administration to abolish transit duties which touched upon the exchequer of the states, as also to surrender monopoly rights on salt and opium in favour of the Government of India. It

obtained permission to open railway routes and to assume criminal jurisdiction over the portions of the land thus surrendered. It claimed the surrender of the right of minting coins in the dominions of the princes and acceptance of British coins as legal tender. It secured sundry other concessions which were damaging to the sovereignty of the states.

The paramount power, though keeping intact the outer frame of the shell, swallowed the inner substance of the states so skilfully that it escaped the attention of the people at large. The fate of the Kolhapur state from 1766 to 1866, which has been brilliantly depicted by Lee-Warner in his masterly work, amply illustrates this aspect of British policy. The result was that when the mighty hands of the British Government were withdrawn on the attainment of the manhood of the princes, the administrative machinery of the states often fell into the rut and again that Government had to come forward to rescue it from the mess. Fresh concessions were exacted as the price of renewed aid, and in this process the state machinery lost its separate identity and became an instrument for furthering imperial interests. When Ckirkari (in Bundelkhand) came under the supervision of the Political Agent for the second time after the Maharaja had become mentally deranged the treasury was kept at his disposal and other important branches of administration, namely, revenue, justice and police, remained under British supervision.⁴⁷ There were exceptions. Where the Durbar officials were sincere, laborious and devoted and where the prince, after attaining adulthood, took personal interest in the administrative affairs, the need for renewed British management did not arise.

Although the Government of India physically disappeared when it withdrew itself from the management of the states on the attainment of the manhood of the princes, its shadow still continued to haunt the Durbar by way of retaining control with the help of its chosen officers or nominated *Dewans* or Prime Ministers. Mysore was transferred to Chamrajendra Wadiar

in 1881, but the key posts of the administration continued to be monopolised by the Europeans. The Dhar chief was allowed to assume the management of his state, but some share of authority was still controlled by the *Dewan*.⁴⁸ When the Nawab of Jaora assumed the sole management of the state the Governments of India wanted to appoint a Council of four to advise him in conducting public business, but the Nawab did not entertain the idea.

Besides advancing its own interests in the minority administration the Government of India interfered with the composition of the Regency Council for other reasons also. If the Regency Councils were composed of motivated local men and ministers and if the princes indulged in vicious habits, the local men and ministers could have wasted the resources of the state and filled their own pockets. Again, if the councils were composed of sincere local men and if the princes played ducks and drakes with public money in company of undesirable elements, these local men and ministers dared not prevent the princes from such activities for fear of being disgraced and turned out by the princes at any moment. Two instances may be cited by referring to the cases of Patiala and Nabha princes in the Punjab. In Patiala the minor Maharaja was a fine young fellow of fifteen years of age, promising to grow up to be a giant in size and strength. Under a proper system and with good instruction, he should have made a good Indian ruler. But the members of the Regency Council, selected by his father, were afraid of the possibility that, on coming to power, he might avenge himself on them for some fancied ill-treatment on their part. The result was that the promising prince became a spoilt child. The other chief, the chief of Nabha, was about twenty-four years of age and succeeded his brother who died early. Both the chiefs were brought up under the tutelage of carefully selected Indians who managed the state during the minority. But the succeeding chief soon degenerated into a miserable creature in the hands of buffoons and scamps ; nobody dared

correct him and there was no knowing that to do with him.⁴⁹ The Government of India wanted to put an end to such degeneration of character and the consequent falling off the standard of administration.

Another factor which weighed with the Government of India was that Regency councils in the Indian states, composed of purely local men, were in most cases rent by intrigues and jealousies which eventually spelt ruin on the states. The officiating Secretary to the Government of India wrote to the Secretary to the Punjab Government, in connection with the Paper of Requests, that experience had made him profoundly disrespectful of administration by Councils of Regency in the Indian states.⁵⁰ He added : “. . . past experience in the case of Patiala and other states (*i. e.* Bahawalpur, Kapurtala, Kulsia etc.) gives ground for apprehension that without the guidance of an experienced British Officer, residing on the spot, a native council of Regency may eventually break down.”⁵¹ Elsewhere he wrote : “Even when the members of the Council pull together, such a form of administration is anything but vigorous, but as a matter of fact jealousies and dissensions almost invariably appear and then the result is demoralizing and disastrous.”⁵² With a view to checking this evil the Government of India associated a few British officials with the Regency Councils, for the European members alone could point out with effective voice the lapses of the young princes without any fear or expectation of favour from them which was altogether impossible in the case of local persons or ministers. Further, the presence of British officials also prevented the dishonest local persons from wasting the resources of the state.

In connection with the supervision of the Government of India in administrative details come up the questions of the

49 Ibid.

50 P. C. (A), Aug 1876, No. 161.

51 Ibid.

52 K. W., P. C. (A), Aug 1876, Nos. 157-162.

guardianship of the minors and their education. The majority of the Indian rulers were lamentably backward in education and the noxious social environment in which they were brought up demoralised their character. To govern well is an art and it requires long and careful training. But the Indian chiefs were generally devoid of any such training and they became pampered boys at a very early stage of their life because of constant low association and vulgar *zenana* influence. Sapped of vitality and of resourcefulness they proved to be dullards and libertines. It was idle to expect good government from such rulers and princes. With a few exception the Indian states had no proper agency to impart education either to the scions of the ruling houses or to the people. In the states of Travancore and Cochin and Kapurtala the rulers patronised education and these states were educationally advanced in contrast with other states. In Gwalior education flourished mainly due to the patronage of Sir Dinkar Rao, Sindhia's able minister.⁵³ But to the princes of the remaining Indian states investment on education was unproductive; shorn of official favour, it was in utter neglect. Even the ruling chiefs were callous to the proper education of their successors. They discharged their responsibilities by educating their minors in the traditional and antiquated scriptures through private tutors who were altogether ignorant of the world outside them. Naturally these minors, when they succeeded to the chiefships, could not but be obvious misfits for the posts which demanded hard work and vigilant watch over administrative details.

The paramount power, before handing over the administration of a state to a prince on the attainment of his adulthood, wanted to see that the candidate was mentally and educationally fit. But it had no right to deprive a prince from succession to the *gadi* on the ground that he had no education. Lord Lawrence, at the Lahore Durbar, urged upon the chiefs to

53 T. H. Thornton, *General Sir Richard Meade and the Feudatory States of Central and Southern India*, p. 105.

provide proper instruction for their sons and daughters.⁵⁴ But it was Lord Mayo who claimed the moral right of the paramount power to transplant in the minds of the young princes some seeds of enlightenment before their elevation to the *gadis* of their ancestors. When the question of education of the young Nizam came up, the officiating First Assistant Resident at the court declared the aim of the British Government to be "the bringing up of the sovereign in such a way that when his minority is ended, he may rule the millions under him with due enlightenment and real greatness." He announced that the British Government was prepared to brush away, if need be, "a cartload of narrow prejudices" and to maintain what it held to be "the true interests of the sovereign and of the State."⁵⁵ But when some differences arose between Salar Jang and the said officer, "on certain points of punctillo" as regards "the attitude to be observed by the English gentleman employed in the tuition of His Highness, when in the presence of his pupil," the latter declared that the British Government would carry out the object "without doing violence to any native habit or custom."⁵⁶

Mayo believed that if the young princes could be segregated from the corrupting influence of the uneducated and scheming *zenanas* of the palace to a place where their training and education would turn out to be successful rulers and would wisely govern their principalities in accordance with the ideas injected into their heads and at the same time would remain faithful to the British Government. He harboured in his mind the belief that, if properly educated, these young princes would act as sentinels of the British Government at the courts of the Indian states and the protection of British interests would be ensured through them. Panikkar observes that the Residents from the time of Mayo rigidly pursued this policy of controlling the education of the young princes "realising that sojourn and

54 Aitchison, *Lord Lawrence and the Reconstruction of India under the Crown*, p. 140.

55 P. C. (A), June 1869, No. 50.

56 Ibid.

training under special conditions in British territory tend to instil ideas of loyalty and allegiance into the future rulers.”⁵⁷

The Resident at the court of Hyderabad, while reporting the progress of education of the young Nizam on 5 March 1875, recorded that “the very air which he breathes is filled with traditions of bygone generations,” and “little good can be expected from mere teachers and tutors” unless he “can be gradually transplanted into some wholesome atmosphere than that which now surrounds him.” He also recorded that the ladies of the palace were fanatical and likely to instil into his mind the ancient Mahomedan prejudices against the Europeans, while the morality of some of the female attendants was of the very laxest kind. Unless, therefore, something was speedily done to counteract the evil influences “the opportunity which is afforded by the minority will be in some danger of slipping away without being fully improved.”⁵⁸ Accordingly the Government of India advised the Resident to make arrangement for the immediate withdrawal of the young Nizam from the influences to which he could be exposed by uninterrupted residence in the palace and to arrange for him occasional visits to other parts of India like the young Nawab of Bahawalpur.⁵⁹ In the case of Alwar and Bharatpur the good done by the Political Agents in watching over the education of the boys was completely neutralised by their being allowed to remain on the spot and under *zenana* influence.⁶⁰ Under the supervision of a British Officer, the little chief of Chirkari (Jai Singh Deo) was becoming a bright open boy, with a leaning to the manners and society of English gentleman. “But he was left to the society of his mother and her servants ; the few hours passed with a tutor had little effect in comparison. When he was 18, he fell back in physique, manners and sense and showed in sundry ways that he was yet an unexperienced boy, unfitted for managing family

57 Panikkar, *An Introduction to the study of the Relations of Indian States with the Government of India*, p. 67.

58 P. C. (A), May 1875, No. 324.

59 P. C. (A), May 1875, No. 325.

60 P. C. (A), May 1875, No. 324.

matters much less difficult than administration of the State."⁶¹ It was, therefore, the policy of the paramount power to remove the young chiefs from their palaces to convenient places where they could be properly educated. That is why new schools and colleges were established for them.

Mayo did not remain content with formulating the policy ; he set the example by founding a college at Rajkot (1870) for the education of the boys of the Kathiawar chiefs. Similarly, for the education of the boys of the chiefs, princes and noblemen of Rajputana the Mayo College was established at Ajmer in 1872. "This institution Lord Mayo intended to be a purely aristocratic college for Rajputana, where the sons of the Rajput princes and noblemen would be brought into direct contact with European professors and European ideas, and under the healthy influences of physical and moral training."⁶²

The Raj Kumar college was established at Nowgong in 1874 for the education of the sons of the chiefs and *Jagirdars* of Bundelkhand. In 1887-88 was opened the Scott College for the education of the sons and *Bhayads* of the smaller chiefs of the Mahikanta who could not afford to send them to Rajkot. Similar other institutions were established in other parts of India. They were the Daly College at Indore (founded primarily for the education of the chiefs of Central India) and the Aitchison College at Lahore. "The education given at these institutions aims at turning out men rather than scholars ; and religious training, game, and above all the development of character play the principal part there. The teaching includes English, the vernacular of the region, mathematics, history and geography, a little practical law and some grounding in agriculture and financial principles, with special reference to land revenue."⁶³ There may be controversy about the method and quality of the education imparted at these princely colleges and its practical utility ; yet, with all its limitations, it had the effect

61 P. C. (A), Sept. 1879, No. 593.

62 W. W. Hunter, op. cit., p. 118.

63 Chailly, op. cit., p. 222.

of transforming the young princes from a life of arms to a life of sports. Chiefs, who had not previously faced each other except in battle fields, now witnessed their sons reading in the same class room and playing in the same ground, completely oblivious of their ancestral hostilities. Thus a solid ground of co-operation and friendship among the future rulers was laid at these schools and colleges. Chailly rightly observed: "The Pax Britannica had killed the military vocation...the result of their education has been to recall to physical activity chiefs who would otherwise have spent lives in the zenana."⁶⁴

Measures against dismemberment and partition of States.

The Queen's Proclamation assured the continuance of the states and the perpetuation of the ruling houses. To implement this assurance Adoption *Sanads* were issued to the princes and the chiefs. The Government of India moved a step further in that direction by engaging itself to prevent the dismemberment or partition of states, estates or *jagirs* etc. The policy to prevent the dissolution of the states was a part, as well as a continuance, of the policy which was enshrined in the *Sanads* of Adoption.

The essence of this policy was that the Government of India would not only actively intervene to prevent the dismemberment of the states and alienation of state lands or property by the ruling chiefs in favour of their widows, younger sons and grandsons, other relatives and favourites. As a result the period under review did not record any spectacular case of extinction of state which was previously a rather frequent occurrence.

The Court of Directors, on more than one occasion, declared themselves against schemes of partitioning states or *jagirs*. The *Sanad* given to Suket in 1846 distinctly stipulated: "The Raja shall not alienate any portion of the lands of the said territory without the knowledge or consent of British Government, nor transfer it by way to mortgage."⁶⁵ The Maharaja of Kashmir was enjoined, by the treaty of 1846, not to change the limits of

⁶⁴ Ibid., p. 229.

⁶⁵ Lee-Warner, op. cit., p. 296.

his territory without the concurrence of the British Government. Similar injunctions were imposed on the Trans-Sutlej states in the same year.⁶⁶ These specific stipulations had no general application, and as a matter of fact there had been numerous cases of partition or division of estates or *jagirs*. In 1838 Kota was torn by civil war and to save it from being disintegrated a new state of Jhalawar was created out of some of its districts.⁶⁷ This was possibly done as a measure of political expediency. Subsequently, in 1899, Kota received back the districts which had been separated from it to create the state of Jhalawar. The *jagir* of Kurundwar in the Southern Maratha country was allowed to be partitioned by the Company as late as 1855 between the sons and grandsons of the deceased chief. The representative of the senior branch was given the right to exercise sovereignty within his share of the *jagir*; the junior branch was permitted to exercise limited civil and criminal jurisdiction. The grant of the *Sanad* of Adoption was left to the discretion of the Government of India.⁶⁸ Such divisions of sovereignty tended to destroy the integrity and diminish the size and strength of states; and further sub-divisions led to the final disappearance of sovereignty. The ceaseless divisions and sub-divisions of the states of Kathiawar and Mahikanta, because of the peculiar custom of succession in those regions, reduced them, in course of time, from sovereign states to units of thana circles. The political system of Kathiawar suffered from complicated problems arising out of the right of partition belonging to certain minor states and ruling families. *Giras* or hereditary landed property was liberally bestowed on younger sons, subject only to conditions of military service or tribute. The process went on unabated till chiefships extended to no more than one or two villages. Kathiawar, indeed, became "a veritable museum of petty sovereignties."⁶⁹ Again long-drawn-out

66 Ibid.

67 Ibid.

68 Ibid., p. 291.

69 Panikkar, *Indian States and the Government of India*, p. 181 (Appendix 1).

family rivalries, clan disputes and conflicting jurisdictions produced such a confusion in Kathiawar that security of life and property completely withered away, for the titular chiefs neither commanded military strength nor possessed reputation to cope with the deteriorating law and order situation in their states. The smaller the states became by means of division or subdivision, the greater was its loss of attributes of sovereignty.

The financial consequences of the partition of estates and *jaras* were hardly less important than its political effects. Partition hit hard the exchequer of the chief as the revenues of the alienated villages went to the pockets of the assignees. Lee-Warner rightly remarks: "The disintegration of Native States not only leads to the breakdown of the political system, but entails an increasing cost of supervision and control upon the British Government. It is therefore an evil which to some extent concerns the British tax-payers no less than the Native States. If the policy of administering the political agencies through their chiefs is to be maintained, it is necessary to keep the states compact and capable of supporting the cost of their administration. Adequate maintenance for the sons of chiefs can be provided from public treasury without recourse to permanent alienations of villages and consequent jurisdictional fictions."⁷⁰ It was not to be expected that the Government of India would assume the responsibility of bearing the cost of supervision and administration in the event of the disintegration of the states and the depletion of their financial resources. The British Government fully realised the evils arising out of the practice and therefore intervened to arrest its growth.

There were numerous instances where the assignment of villages to widows or other favourites had been commuted by the Government of India, on the death of the chiefs, to allowance in money. Jaswant Singh, the chief of Ali Rajpur, died in March 1861. He had left a will for the partition of his territory between his two sons—Gangadeo and Rupdeo. To the

later (*i.e.* the younger) he assigned three districts and one-third of the state-property on condition that he should pay a share of the tribute and accept one-third of the liabilities of the state. The remainder of the state lands and property was left absolutely to the elder son Gangadeo, who was especially enjoined not to interfere in any way with the districts given to his brother. The Agent to the Governor-General for Central India considered the arrangement a most objectionable one and proposed that the will should be set aside and "a fair and fitting provision" made for the younger son. He wrote: "...the attempt to carry out Jaswant Sing's wishes will be productive of much future inconvenience and trouble in this petty state, and it will establish a precedent which may hereafter be turned to very mischievous account by other Chiefs."⁷¹ To the Bhil Agent and Political Assistant at Dhar he wrote that if the principle that divided the state of Ali Rajput between the two sons be allowed to continue there would be further sub-divisions in future and "there would be no Raj at all left in a very few generations."⁷² This view was upheld by the Government of India. It decided to set aside the will of Jaswant Singh. It recognised Gangadeo as the successor of his father while liberal provision was made for the younger son.⁷³

It has already been observed that the British Government had never pursued any uniform or consistent policy in its relations with the states and its policy had suffered from occasional jerks and jolts. As far as the question of partition of state was concerned it declared that it would treat as invalid any testamentary document purporting to alienate state lands or dispose of state property. But it failed to adhere strictly to this policy. This became evident when the will executed by the Raja of Kapurtala came up for consideration. By this will provision was made for assignment of an appanage of territory, yielding a lakh of rupees per annum, to each of his younger

71 P. C. (A), April 1862, No. 88.

72 P. C. (A), April 1862, No. 89.

73 P. C. (A), April 1862, No. 91.

sons, while the eldest son was given the *gadi* of the state. This will was approved and confirmed by the Government of India in 1852. In 1866, when the two younger sons demanded the implementation of the will, the Government of India had to sanction the partition of the state.⁷⁴ This was the logical result of the commitment made in 1852. On the whole, however, it appears from a close study of the Government's numerous transactions with the states that it laid greater stress on expediency than on the zealous implementation of formal obligations and political principles which it formulated from time to time to serve its special interests.

74 J. T. Wheeler, *Summary of Affairs*, pp. 395-97.

Interference in Internal Affairs (II)

Of the various types of interference by the paramount power in the internal affairs of states the most justifiable was action taken to reform abuses in administration in the interest of the people. Such action might be of various kinds, ranging from offer of advice to direct assumption of administrative authority. In the latter case the ruler might be allowed to retain his formal status, or he might be deposed or forced to abdicate.

The distinction between deposition and forced abdication was slender indeed. Circumstances leading to forced abdication were in most cases the same as those justifying deposition. The purpose of deposing a ruler was to put an end a wantonly misgoverning regime or to terminate the rule of a prince who was notorious for his contumacy and intrigues either directly against the paramount power or against any person or persons representing it. The Government of India was aware that the policy of deposing a ruler might provoke strong public resentment in India as also in England whereas the same purpose could be achieved by having recourse to veiled threat to secure his seemingly voluntary abdication. Public feeling, under such circumstances, did not run high, for abdication was less humiliating to the ruler than deposition. Moreover, as the paramount power acted from behind a screen, its role was virtually unnoticed by the people and hence it was less provocative.

Misrule in Alwar

We shall first discuss the affairs of Alwar and the principles involved in it. The Government of India, in its bid to correct the personal and administrative lapses of the Maharao Raja and to induce him to improve the steadily decaying administration of his state, gave highest proof of its patience. But the Maharao did not respond to its advice and warning; he deliberately remained callous and incorrigible and preferred a mischievous.

Singh received on several occasions earnest advice and counsel from Canning with a view to ensuring the just exercise of ruling power with which he was to be invested on attaining his majority. The Political Agent at Alwar, to whom the Maharao Raja's abilities as well as the weaknesses of his character were all well known, took special care to train him for his studies. Elgin also, and more particularly Lawrence, took great interest in the young chief, and on more than one occasion, by earnest personal advice, endeavoured to impress upon him the duties and responsibilities of his position.² Indeed, there were probably few chiefs in India who had greater advantage of education and good counsel than Maharao Raja Sheodan Singh. Notwithstanding all these advantages, the administration of Alwar so deteriorated in his hands as to necessitate the direct interference of the Government of India for the maintenance of peace and good order.

As early as 1858, after the fall of Delhi, when Sheodan Singh was only 14, he fell under the influence of the Mahommedans,³ and began to treat his brethren, the Rajputs, with contempt. The result was an outbreak in which some relations of the Mahommedan ministers of Delhi were murdered and the latter was compelled to leave the state. A Political Agent was appointed at Alwar to advise and assist the Council of Regency which was formed to run the administration during the minority of the young chief.⁴

In March 1859, when Captain Impey, formerly Political Agent at Bharatpur, took charge of the Alwar Agency as Captain Nixon's successor, it was found that the Maharao Raja were collecting men to support him against the Regency Council and specially against Lakhdiar Singh against whom, since the expulsion of the Mahommedan ministers, he had cherished the

2 P. C. (A). Nov. 1870, No. 132.

3 P. C. (A), May 1870, No. 147.

4 P. C. (A) Oct. 1871, No. 157.

Aitchison, *Treaties, Engagements and Sanads*, Vol. II, pp. 387-18, (ed. 1909). Hunter, *A Life of the Earl of Mayo*, Vol. 1, p. 224. *Imperial Gazetteer of India*, Vol V, p. 228,

most violent animosity. It was Captain Impey who came forward to rescue Lakhdiar Singh from the wrath of the Maharao Raja by sending him away from Alwar. But he was soon recalled and much to the opposition of the chief, Captain Impey again made him the President of the Council. He very successfully carried on the business of the state.⁵ Meanwhile, on 31 August 1870, Cadell, officiating Political Agent for the Eastern States of Rajputana, sent a report to the officiating Agent to the Governor-General in Rajputana in which he narrated that the Maharao, by his extravagant way of living, squandered away several lakhs of rupees which had been kept in the treasury during the management of Captain Impey. He further reported that the Maharao manifested the utmost contempt of decency by drinking publicly with low Mahomedans, getting drunk nearly everyday. Moreover, the administration of civil and criminal justice was in a shameful state, the money required for this purpose having been devoted to the chief's private pleasure.⁶

A few days after the direct assumption of the administration by the Maharao the Resident of Alwar despatched to the Government of India a gloomy picture of Alwar. Meanwhile, after assuming power, the Maharao had dispensed with the services of Lakhdiar Singh and resumed his *jagir* village of Bangrowli which had been bestowed on him for his services, but he was assigned an annuity of Rs. 400/- a month.⁷ Taking shelter at Jaipur and with the help of the Maharaja of that state, Lakhdiar Singh revolted against the Maharao and actually invaded Alwar with a heterogeneous body of followers, but the attempt ended in a failure.⁸ The Resident reported that under the regime of Sheodan Singh all kinds of crimes were daily occurring. The general administration was completely neglec-

5 Ibid.

6 P. C. (A), Oct, 1871, No. 152.

7 P. C. (A), Oct. 1871, No. 152.

P. C. (A). Feb. 1864, No 272

8 P. C. (A), Oct. 1871, No. 157.

ted, personal wrongs remained unredressed, the number of bad counsellors was daily increasing, and the Maharao himself was setting examples of an idle and licentious life.⁹ Actually the chief, even after the assumption of the reins of administration, was still retaining his association with the Mahommedans and almost all the officials, who had been employed during his minority, were displaced by men more suited to his regime and his evil habits.¹⁰ As arranged earlier, the Political Agency was removed sometime in 1864 or 1865 and its removal made it possible for the Raja to follow an independent line of action, which proved to be baneful to the thakurs as well as the subjects. The thakurs, who shook hands with Lakhdiar Singh, raised the standard of rebellion against the chief on three principal grounds. They resented his policy of indiscriminate dispossession by means of confiscation of their *jagirs*. They resented also his interference with their rights and privileges, culminating in the disbandment of a large body of Rajput cavalry and troops. They were also sore against his Mahommedan proclivities, exhibiting themselves in his open disregard and contempt for the Rajputs and their religious customs and in the appointment of Mahommedan strangers to offices of trust and high emolument in the state.¹¹

In Alwar a considerable part of the land originally granted to the *sirdars* and the thakurs was held on the condition that they would maintain a certain number of horsemen for the service of the state. As long as these were furnished the lands were held in perpetuity ; but the chief retained the power to punish for non-fulfilment of condition, and to resume the lands in the last resort. When the Government assumed charge of the state of Alwar during the minority of the present chief, many of the thakurs endeavoured to evade these conditions, some of them neglecting for years to send their quota of horsemen, ignoring the

9 P. C. (A), Jan. 1866, No. 8.

10 P. C. (A), March 1866, No. 100.

11 P. C. (A), May 1870, No. 144. (Capt. Blair's Report to G. G's Agent. in Rajputana).

to place any faith in the words of the chief and they stated that he would take revenge on them later on one pretext or another, because "the Maharao Raja thinks us to be rebel and seditious and is bent on our ruin."¹⁷ They further complained that the Maharao had been "confiscating villages that were dedicated to Hindoo temples, and given to Brahmins, Bhairagees and Chorans in charity; and he also abolished many other charitable endowments."¹⁸ As instances of his pro-Mussalman proclivities they referred to repair of mosques done by him and the filling up of all the most important offices with Mahommedans and foreigners to the exclusion of influential local men.¹⁹ "We are now driven," they stated in their petition to the Governor-General, "to the last state of our miseries, and becoming desperate, have united together to bring our most deplorable case to your Lordship's kind consideration and humbly solicit that your Lordship will be graciously pleased to do justice to our cause..."²⁰ They also appealed to the Governor-General to banish him from the state, to place his son and heir, Maharao Raja Kumar Sheo Pertab Singh, on the *gadi*, appoint a Political Agent to manage the affairs of the state during the minority of the young prince and to expel all the foreign and Delhi Mahommedans from the state.²¹

Captain Blair's concluding comment on the situation was as follows: "There are faults on both sides, and if the chief is hard and unyielding, the Thakoors are obstinate and stupid, magnifying small or imaginary grievances. Indeed, it is more from anger at the disdain with which the chief regards them, and their customs and fear as to how this dislike of them may affect their prospect in future, than from any intolerable amount of injustice already done that the present troubles have arisen."²²

17 P. C. (A), May 1870, No. 147.

18 Ibid.

19 P. C. (A), Nov. 1872, No 132.

20 P. C. (A), May 1870, No. 147.

21 Ibid.

22 P. C. (A), May 1870, No. 144.

The Governor-General's Agent for Rajputana, after studying the developments in Alwar, expressed his disapproval of interference in the affairs of the state. He was opposed to mediation because neither the chief nor the thakurs had sought for it. He preferred shock therapy, expressing the curious opinion that "in the present condition of many states in Rajpootana nothing would do more good than the example of a successful revolt."²³ Meanwhile, Dr. Harvey, who temporarily succeeded Captain Blair on his death, telegraphically despatched a perturbing report to the Governor-General's Agent for Rajputana stating as follows :

"Ulwar affairs going from bad to worse. Thakoors have been levying contributions and doing some acts of violence. A Havildar and two Raj Sepoys were killed a few days ago in a collision with the malcontents ; each day makes a settlement more difficult ; Maharaja has offered liberal terms more than once ; Thakoors do not believe his friendly professions, and refuse submission, unless their future safety is secured by some stronger guarantee than Maharao Raja's word...The revolt is due to a belief by the Thakoors that the usurpation of all their lands and their utter disgrace and ruin is a mere question of time. It was primarily caused by the Maharaja's harshness in discharging the Rajpoot cavalry ; it has the moral support of almost every Rajpoot in the state, while many influential Thakoors, without special personal grievances, have cast in their lot with the mutineers. There are grave faults on both sides, and I see no prospect of an amicable settlement. Thakoors are very anxious of intervention by Government. Maharao Raja thinks that such would diminish his authority in future, ...he expresses himself most anxious to arrange matters, and is profuse in his promises, but the Thakoors have no faith in him, and have reasons to doubt his sincerity..."²⁴ Contrary to the views expressed by the Governor-General's Agent for Rajputana he pleaded for intervention and the deputation of an experienced

23 P. C. (A), May 1875, No. 148.

24 P. C. (A), May 1875, No. 149.

Political Officer to Alwar for 'a satisfactory accomodation of the affairs.'²⁵

Thus the affairs in Alwar in 1870 culminated in open rebellion on the part of the thakurs and the people against the Maharao. The crisis worried the Government of India. It dismissed the views of the Agent for Rajputana and laid down its policy in the following words :

"While His Excellency in Council concurs that it is the duty of the British Government to support the authority and power of a well-disposed Chief when he is opposed in his endeavours to establish good government by the insubordinate petty nobles, mutinous troops, or seditious classes of his subjects, it is no less our imperative duty to interfere for the reformation of any feudatory state in India in which oppression, corruption, waste-fulness, and vice are found to be the leading characteristics of its administration. However difficult, distasteful and insidious such interference may prove,...we evade the responsibility which our position in India imposes upon us and avoid the discharge of a manifest duty if we allow the people of any race or class to be plundered and oppressed. Under no circumstances can His Excellency in Council permit the existence of a civil war in any state in India."²⁶

It continued : "When such a state of things is threatened, it is the imperative duty of the British Government to interfere at first by peaceful means at its disposal ; but in the event of arbitration and mediation failing, it becomes the duty of the Government to stop by force of arms anything approaching to open hostilities between large classes of the people and their chiefs."²⁷

The policy thus stated required, as a preliminary step, an enquiry into the causes of the quarrel which would be followed, if possible, by adjustment of the differences between the chief and his nobles. The Government of India directed its Agent

25 Ibid.

26 P. C. (A), May 1875, No. 153.

27 Ibid.

for Rajputana to send Captain Cadell, officiating Political Agent for the Eastern States of Rajputana and an officer of high distinction, to Alwar for the purpose. But before he started his work he was directed to demand from the Maharao, in writing, his acceptance of the arbitration of the Government of India and his agreement to abide by the award of His Excellency in Council.

Captain Cadell was furnished with elaborate instructions in regard to the task assigned to him. He was required to enquire into the case and settle it on its merits, and for this purpose he was invested with plenary and summary powers. He was also given full power to review the justifiability of the cases of confiscation of estates. In his enquiries regarding the resumption of the charitable or religious grants, he was required to exercise special prudence. "His aim generally will be to show that, while, on the one hand, we are prepared to put down by force, if necessary, rebellion and revolt, we are prepared to remedy all just and proved grievances, and to insist on substantial justice being done between the chief and his people."²⁸

Into the merits of purely religious quarrels the Government of India was not prepared to enter ; it was unwilling to exercise the slightest influence over religious tendencies of the chief or the prejudices of his nobles. But it directed Captain Cadell to ask the Maharao to desist from such acts as were calculated needlessly to outrage the religious feeling of the thakurs, or to incense them against him. In regard to the appointment of officers in the state, the Government was not prepared to place any restrictions upon the selection of persons best qualified for office. At the same time, Captain Cadell was instructed to point out to the Maharao that it was wellnigh impossible to carry on his government by aliens who were hated by the thakurs.²⁹

Besides seeking a happy reconciliation between the chief and the thakurs Captain Cadell was required to give attention to the

28 Ibid.

29 Ibid.

financial condition of the state and support the chief in the government and the introduction of a good, efficient and acceptable system of administration in all departments.³⁰ It should be his duty to substitute for the purely personal government some form of constitutional and responsible government in which the thakurs should be associated with the chief and the powers of the chief somewhat limited and defined. Such questions as the resumption of estates of the thakurs, the disbandment of state troops, etc. should not depend on the mere personal likes and dislikes of the chief ; these should be decided by a responsible council of nobles, among whom the chief should only be *primus inter pares*.³¹

Captain Cadell's enquiry disclosed a regrettable state of affairs. He very ably narrated the decay which the administrative machinery of Alwar had suffered at the hands of the reckless chief. He reported that the expenditure on the chief's household and personal pleasures had risen from Rs. 2, 42,339/- in 1868 to Rs. 4, 10, 838/- in 1870, while the cost of administrative departments of the state had fallen within the same period from Rs. 1,86,132/- to Rs. 99,072/-. He further reported that a cash balance of Rs. 17,22,876/- which was in deposit in treasury when he succeeded to power, had been squandered ; the treasury was completely empty and heavy debts were accumulating, about 7½ lakhs being due solely as arrears of pay to troops and establishments.³² In regard to the maintenance of justice, Captain Cadell reported that "there is one universal howl throughout the state that justice is not done and that no one can secure a fair hearing." The police arrangements were more deplorable and he reported that the Punjab Government and the Superintendent of the Thagi and Dacoiti Department had remonstrated strongly against the present condition of the administration under which not only were life and property unsafe in Alwar, but disorder was spreading to neighbouring

30 P. C. (A) May 1875 No 153

31 K. W., P. C. (A), May 1870, Nos. 142-155. P. C. (A), May 1873, No. 153.

32 P. C. (A), Nov. 1870, No. 132.

districts. The Durbar officials were either unwilling or unable to check the predatory habits of the Minas who had been infesting the roads; travellers and merchantmen very frequently became their victims.³³ Captain Cadell also very painfully recorded the non-co-operative attitude of the chief in his endeavour to reform the administration; instead of lending any assistance to him the Maharao had thwarted his proceedings by every means in his power. He concluded his report with the remark that "the result of his seven years' experience of power is that the state is bankrupt, anarchy exists in every department, and the most influential portion of his subjects are in revolt."³⁴

Mayo, who was then the Governor-General, expressed grave concern over the affairs of Alwar in the following words: "The state of things in Ulwar have deteriorated. They are at a dead lock. No servant of the state, military and civil, has been paid for ten months. It is only the presence of our Agent that prevents the outbreak of a civil war. The chief is incorrigible, he never keeps a single promise, he is able and crafty, but is constantly drunk. He has excluded from government employ everyone connected with the state. We must act at once...we have determined to place the administration in the hands of Council composed of the Maharao Raja and four leading thakurs under the Presidentship of the Political Agent. If the Maharao Raja continues to intrigue or tries to thwart the Council, we shall be obliged ultimately to remove him, but I am desirous of pushing forbearance to its utmost and of showing that nothing but absolute necessity compels us to interfere."³⁵

Accordingly in 1870 the Government of India was constrained to exercise authoritative interference in the affairs of Alwar. Orders were issued for the constitution of a Council of Management composed exclusively of five leading thakurs with careful exclusion of all foreigners from it. The selection was to be made by the chief, subject to the approval of the Political Agent, "who was not to interfere with the nomination further

33 P. C. (A), June 1870, No. 173. P. C. (A), Sept. 1870, No. 125.

34 Ibid.

35 Mayo Papers.

than to secure that the Council selected should give reasonable hope of efficient action."³⁶ The chief would cease to have any executive power and the Council of Management would be supreme. Should the chief sulk and decline to take his place in the Council, they were empowered to proceed without him. The Government of India wanted the chief to take his seat in the Council and participate in its deliberations. It believed that he had still an opportunity of devoting the abilities which he undoubtedly possessed to the welfare of his state. But he should bear in mind that the administration was vested absolutely in the Maharao, and he was distinctly warned that "if intrigues are carried on, in his name or by his orders, calculated to impede the action of the new administration, the Government of India will have to consider what further measures it will be necessary to take to secure to the council the unfettered exercise of its sovereignty."³⁷ The administration of the state, however, would be conducted in the name of the Maharao Raja. All great questions and the management of civil justice, finance, the army etc. should be in the hands of the Council and lastly, as a temporary measure, the Political Agent should assume the position of President of the Council, with a voice in its deliberations and with a special power to control the finance.³⁸ A sum of five lakhs of rupees had been advanced by the Government of India for liquidation of the loans of the state.³⁹ The position of the Political Agent in the Council was to be continued as long as the necessity existed; but as it was essential that his control over the finance of the state should be maintained until a loan was repaid, it was desirable that he should give special attention to its early liquidation.⁴⁰

As desired by the Government of India a Council was formed for the reorganisation of the Alwar administration in 1870.

36 P. C. (A), Nov. 1870, No. 132.

37 Ibid.

38 Ibid., K. W., P. C. (A), May 1870, No. 125.
P. C. (A), Sept. 1870, No. 125.

39 P. C. (A), Sept. 1870, No. 125.

40 P. C. (A), Nov. 1870, No. 132.

most important member was thakur Lakhdiar Singh, the same person who had been a member of the Regency Council during the minority of the Maharao Raja.⁴¹ It was believed by the Political Officers of Rajputana that the inclusion of a man of his calibre would give the Council much promise of efficiency.⁴²

It was hoped that the measures taken under orders of the Government of India would have their desired effect on the delinquent ruler. But the report of the Political Agent (February 1871) showed that far from appreciating the opportunities placed before him for improving his administration, the chief had offered a series of insults and annoyances to the Political Agent and the Council, which, however contemptible in themselves, tended to throw serious obstacles in the way of proper administration.⁴³ He had attended the Council only four times, not with a view to assisting its deliberations, but to insult the members, and he had, both overtly and covertly, resisted any measure deemed advisable for the good of the government. The Governor-General's Agent for Rajputana, in his report to the Government of India commented severely on "the way in which the Maharao Raja is conducting himself, and the difficulty, and indeed, impossibility of the Political Agent carrying on an efficient administration so long as much intimidation and brow-beating is practised by His Highness towards the most respectable people in the state."⁴⁴

According to the report of the Political Agent the chief still retained his implacable hatred for the thakurs. He insulted them in public Durbar and, in some cases, he openly maltreated them for trifling acts, such as attending entertainments given by the Agent, which were displeasing to himself. The Political Agent further reported that he refused to give up some jewels which he was believed to have retained for the purpose of intriguing in England against the decision of the Government of

41 P. C. (A), Nov, 1870, No. 133

42 P. C. (A), Dec. 1870, No. 141.

43 Mayo Papers.

44 P. C. (A), Aug. 1871, No. 114.

India.⁴⁵ He circulated false reports against the Political Agent threatening to dismiss him after he regained power and retaliating against those members who assisted the Council.⁴⁶ Colonel Brooke, the officiating Political Agent to the Governor-General in Rajputana, wrote to the Government of India that "the minds of the people of Ulwar were constantly disturbed by the continued acts of violence by the Maharao and by the false rumours which he constantly set afloat, which caused a feeling of instability in our arrangements. His conduct on the present occasion should not be passed over without notice, and I am of opinion that his removal from Ulwar would be hailed by all classes as the most fortunate thing for the country."⁴⁷ Captain Cadell also wrote at the same time: "An orderly state of things is not to be looked for as long as the Maharao Raja remains at Ulwar. He frequently expresses his desire to leave Ulwar and to have nothing to do with the estate, provided a fitting allowance is settled on him."⁴⁸

Notwithstanding these adverse reports and opinions, the Government of India was unwilling to adopt the severe measure of removing the Maharao and, while promising the Political Agent every support he was enjoined to conciliate him (*i.e.* the Maharao) in every way consistent with the unswerving discharge of his duties.⁴⁹

Meanwhile, on 8 May 1871 the Political Agent reported a serious outbreak in the Alwar jail in which he narrowly escaped from being severely maltreated.⁵⁰ He reported that neither the Indian jail guard nor the sentries at the gate cared at all to come to his assistance. The tumult was providentially pacified in no time; the ring-leaders were rounded off and sentenced by the Council to transportation for various terms.⁵¹ The Political

45 Mayo Papers.

46 P. C. (A), Aug. 1871, No. 117. Mayo Papers.

47 P. C. (A) June 1871, No. 461. Mayo Papers.

48 Mayo Papers.

49 Mayo Papers.

50 Ibid., P. C. (A), June 1871, No. 476.

51 P. C. (A), June 1871, No. 479

therefore, to stretch his patience and forbearance to the utmost possible limits before taking so extreme a step as the removal of the chief. If all that you state could be clearly brought home to the Maharao Raja, there will be ample ground on which to proceed, but you are aware how indefinite is the information which connects him with the outbreak in the jail, with the threatened attack upon you, and with the rumour of an intended rise. If you know everything definite you should therefore not hesitate to say it, and in the meantime take the greatest care of yourself."

It is quite clear from this letter that nothing but the fear of being "criticised both here and in England" prevented the Government of India from taking strong steps in the affairs of Alwar. The obstinacy of the incorrigible ruler had already exceeded all limits of forbearance and the Government of India would have been perfectly justified in its action if it had earlier stepped down to get rid of him in the interest of the people of Alwar. In Baroda the Gaikwad was not given such wide latitude. He was put in the dock on the alleged ground of having conspired against the British Resident and actually a commission was appointed to try him. However, in Alwar affairs the Government of India failed to take such a decisive step. Such hesitancy in cases of gross misrule was not a little responsible for the administrative decay which many of the Indian states had suffered during the period under review.

The mischief-making conduct of the chief was again narrated by the Political Agent a few days later. During a visit which he paid to the chief the Maharao said that he was so ill in body and mind that he wished for death and had resolved to look out for a boy to adopt.⁵⁵ He also expressed his desire to go to Rajghar where the principal thakurs were residing with a view to choosing the most promising of their sons. The Political Agent stated to the chief that he had full power to adopt whomsoever he liked, but he tried to dissuade him from the course for this might excite the hopes and fears of the rival

families and such a step would obstruct the peaceful working of the administration.⁵⁶

The good advice of the Political Agent fell on deaf ears ; it did not have any effect on the Maharao Raja. He started for Rajghar with an escort of 70 or 80 men, only verbally informing the Political Agent through a messenger that the purpose of his visit was "change of air," and that he had no intention of fomenting any trouble. Before undertaking the journey, however, he seriously maltreated the *Chaudhuri* of the Bullock Carriage Establishment and seized 36 vehicles. The latest series of acts of the chief amounted to overtly flouting the Political Agent and creating considerable excitement in Alwar on a most difficult and delicate subject.⁵⁷ It was only at this point that the Government of India shook off its policy of masterly inactivity so far as Alwar was concerned and authorised the Governor-General's Agent for Rajputana to warn the chief "in the plainest and the most distinct language" against any disturbance taking place in the state which might be "directly or indirectly traced to his influence."⁵⁸ With regard to the question of adoption, the Government of India expressed the opinion that it had no objection to his taking this step, but no "capricious adoption" would be recognised. The following conditions were laid down for an acceptable adoption : "...it must be either in right accordance with the Hindoo law, or as is required by the custom of the race to which the Maharaja belongs ; it must be attended with befitting ceremony, and effected with the knowledge and consent of the members of the family, and the chief councillors of the state. In either case, it must be formally and officially announced by the Maharao Raja to the British Government through the Political Agent."⁵⁹

After a prolonged period of contumacy the Maharao Raja, already languished in body and mind on account of the death of

56 P. C. (A), Aug. 1871, Vo. 125.

57 Ibid.

58 P. C. (A), Aug. 1871, No. 126.

59 Ibid.

his son, agreed to rule his state in accordance with the wishes of the Government of India and appealed to it for restoration of his state power.⁶⁰ He pledged to pay attention in every way to the prosperity and welfare of his subjects and servants. But the Political Agent submitted an adverse report about his habits and conduct and observed that "to grant his petition would.. be to plunge the state into the calamities from which it was rescued in 1870."⁶¹ The Government of India turned down the request of the Maharao Raja.⁶²

Foiled in his endeavour to regain his power and unable to improve his relations with the Government of India and the disaffected thakurs, the Maharao Raja breathed his last in October 1874. without leaving any child. With his death the people of Alwar heaved a sigh of relief. The Government of India also was relieved at the passing away of a chief whose obstinacy and perversity had created a deadlock in the administration of Alwar.

Misrule in Bahawalpur

In the case of Bahawalpur we have a different picture. The Government of Lord Lawrence took no action against an oppressive ruler even when there was an armed rebellion against him.

Bhawal Khan became Nawab of Bahawalpur in October 1858.⁶³ His personal character was despicable. Prematurely old from debauchery, he was extravagant without being generous, oppressive towards his subjects, suspicious of his ministers, negligent of business, often intoxicated or deranged, and guilty alternately of follies and crimes. The Punjab Government held a low opinion about him. He was ~~always~~ surrounded in his court by a set of low debauchees who made their living at his cost and gradually gained great influence over him, which they used to malign Ahmed Khan, the Prime Minister.

60 P. C. (A), Sept. 1874, No. 231.

61 P. C. (A), Sept. 1874, No. 232.

62 P. C. (A), Sept. 1874, No. 233.

63 There was a succession dispute which has been discussed in Chapter II.

By the advice of his evil counsellors the Nawab seized Ahmed Khan, had him murdered in 1863, and took the reins of government into his own hands.⁶⁴ This was the beginning of Bahawalpur's woes. In the opinion of the Punjab Government the affairs of Bahawalpur fell into a chronic state of anarchy; almost complete disorganisation brought with it all the attendant evil consequences.⁶⁵ The Nawab was neither able nor willing to conduct the administration himself; the consequence was that the management of everything fell into the hands of a low set of subordinate officials who, in the name of collecting revenue, ruthlessly plundered the people without mercy. The favours, such as yearly *khalats* which had been given to Daudputra *sikhs* and other influential men, were discontinued. They could not even escape from the tyranny and exactions of the *kardars* who seized their *jagirs* and refused to give them up until they paid large *nazarana*. Still the Daudputras were not willing to go to extremities; they went to lay their complaints before the Nawab, but met with ungracious reception. Discontent affected the troops also, for they were kept in arrears for long. When the situation became critical, and the troops badly affected by the high prices of food, determined to lay their hands on the treasury, the Nawab paid them part of their salary; but the more dissatisfied and clamorous among them were dismissed.⁶⁶ The Punjab Government reported that "the great bulk of his troops have been recently dismissed."⁶⁷

Finding that the people were in a state of serious discontent and the soldiers hostile to the Nawab, in September 1863 Punno Khan, Yusuf Khan, Khuda Bakhsh Khan, Ahmed Khan (Daudputras) and some others rose in rebellion and with 3,000 or 4,000 followers marched towards the capital, Ahmedpur. The object of the insurgents was to release the brothers and grandfather of the Nawab, then imprisoned in the fort of Darawar, to

64 P. C. (A), June 1861, No. 236.

65 P. C. (A), March 1864, No. 23. P. C. (A), April 1866, No. 108.

66 P. C. (A), Aug. 1865, No. 144.

67 P. C. (A), Aug. 1865, No. 145.

depose the Nawab, and place one of them on the *gadi*.⁶⁸ The Native Agent reported that the Nawab, nervous and alarmed at the news of the insurrection and the insurgents' steady and swift march towards the fort, applied through his *vakil* attached to the Commissioner of Multan for British aid, promising to pay the expense of force which might be sent.⁶⁹ But the Government of India refused to give him any aid. Meanwhile the insurgents, after plundering the towns of Allahabad and Khanpur, returned to Bahawalpur to pillage it and raise another rebellion there. The Commissioner of Multan proposed to send a military force towards the Sutlej to protect the British frontier opposite Bahawalpur. This proposal was vetoed by the Lieutenant Governor and the Commissioner was told that the British Government desired "complete non-interference in the affairs of Bahawalpur."⁷⁰ However, the troops which the Nawab had despatched to grapple with the rebels succeeded in subduing them ; some of the rebel leaders were captured, others fled.

The Native Agent reported that the Nawab, fearing for his life and throne, resolved to deprive the insurrection of its heads and the three imprisoned uncles were slain. The Nawab's story was that they were killed in a fight with their guards as they were attempting to escape. The more probable story was that they were murdered by the Nawab's orders.⁷¹ At this stage the Lieutenant Governor of the Punjab was inclined to withdraw the Agent from Bahawalpur and withhold moral support from the Nawab's government.⁷²

The last phase of the Bahawalpur disturbances came in August 1865 when the Daudputra insurgents raised the standard of rebellion as a mark of protest against the ill-treatment they had received at the hands of the Nawab. They were joined by a large number of followers and marched for Ahmedpur. But

68 P. C. (A). Aug. 1865, No. 145.

69 P. C. (A), March 1864, No. 24.

70 Ibid.

71 P. C. (A), May 1864, No. 133.

72 P. C. (A), March 1866, No. 90

the Nawab's troops again over-powered them ; the rebel leaders with their followers crossed over into Muzaffargarh district and they were all disarmed. After this the Lieutenant Governor wrote to the Viceroy : "The insurrection is at an end. All is quiet now."⁷³

Reports submitted by the Punjab Government to the Government of India clearly explain the causes and nature of these unsuccessful insurrections. "There can be no doubt," it wrote, "that the main cause of the rebellion was the deplorable misgovernment of the country ; the Nawab, given up to debauchery and drunkenness, rarely attends to business, but hands over his subjects to the mercies of unscrupulous officials, who plunder the country without fear of the interference of the Nawab, so long as they gratify his ears with flattery and his avarice with costly gifts."⁷⁴ In another report the Punjab Government observed : "...all classes of the Nawab's subjects and soldiery alike appear to have been rendered so exceedingly dissatisfied with the strange and arbitrary proceedings of His Highness... that it seems highly probable he will be able long to hold out against the insurgents, more especially as the great bulk of his troops have been recently dismissed."⁷⁵

The policy pursued by the Government of India in this crucial period of the history of Bahawalpur is likely to come in for criticism. There was no doubt that Bahawalpur was misruled, the people were subjected to oppression and the fault was entirely on the side of the Nawab. The Government of India had close touch with the events happening in Bahawalpur. The Commissioner of Multan was disposed to cut off political relations with the state. But the Government of India followed a policy which was inconsistent with its earlier stand. Bahawalpur needed a thorough shake-up in all the branches of the government. The grievances of the people were widespread and deeply rooted ; they urgently needed judicious settlement. But

73 P. C. (A), Aug. 1865, Nos. 148, 151.

74 P. C. (A), March 1866, No. 254.

75 P. C. (A), Aug. 1865, No. 144.

there was nobody attached to the Bahawalpur administration, capable of taking the initiative: "every official is ruthlessly unjust from the Nawab to the Karawah, who watches the ryot's field."⁷⁶ Mere advice or remonstrance could have no effect upon a ruler who was completely lost to self-respect and sense of duty. The state could have been rescued only by the establishment of direct influence of a British officer upon the Nawab and his principal nobles and officials. If the Government of India was not disposed to supersede the Nawab's authority or to go beyond the guarantee given in the treaty of 1838, it could have appointed an Agent at Bahawalpur to advise and assist him to improve and reform his government. The mere presence of an upright and judicious British officer could have restrained the Nawab from many of the vicious indulgences which had disgusted his subjects and alienated their affections from him. This measure would have strengthened his hands and enabled him to devote more attention to the administration than he could do when perpetually in fear of revolution. But Aitchison writes that the Government of India thought it derogatory to its dignity to go on threatening the Nawab with its displeasure unless it visited the Nawab with some marks of it.

When the state was virtually in the flames of revolution, the Punjab Government suggested the withdrawal of moral support from the Nawab's government. The considerations which then influenced the Government of India to put off this suggestion found distinct reflection in a demi-official letter of Aitchison which runs thus: "If the Nawab be deemed unworthy even of moral support it might perhaps be well to await the result of the insurrection. It would probably lead to an appeal to the British Government which will afford an opportunity of tightening our control over Bahawalpur."⁷⁷ This attitude can hardly be supported. As Lord Mayo observed in the *Alwar* case, the Government of India "cannot permit the existence of a civil war

76 P. C. (A), April 1866, No. 108 (Report from *Etice*, Extra Assistant Commissioner, Rajanpur, to *Wace*, Deputy Commissioner, Dist. Ghazi Khan).

77 P. C. (A), May 1864, No. 133. Note by *Aitchison*, 11 May 1864.

in any state in India." There are plenty of examples where lesser causes of danger had induced it to interfere in the affairs of the states, much to the dissatisfaction of the ruling princes, and sometimes of the people as well. Surely the treaty obligations of 1838 did not debar the Government of India from discharging its overriding political and moral responsibility specially when the state was on the verge of disintegration. Many unpleasant things which subsequently took place might have been averted, many lives which were taken might have been saved, if the Government of India had intervened at the right moment. To lie in wait for the extreme moment, while allowing the state to sink into a morass under the burden of utter misgovernment, was hardly in conformity with the developing concept of British paramountcy during the post-Mutiny era.

Interference in Internal Affairs (III)

In the Baroda case interference of the paramount power on the ground of maladministration reached its climax. The issue affected one of the leading states in the country and one of its historic dynasties. The penalty imposed on the erring prince affected not only the prince himself but also his lineal descendants. The proceedings were extremely complicated ; to charges of administrative delinquency were added the charge of complicity in attempted murder. It was a case without precedent and fortunately there was no need in future years to use it as a precedent.

The Gaikwad of Baroda, beyond all dispute, held his *gadi* under distinct pledges of protection from the British Government on the one hand, and under equally distinct pledges on his own part to govern justly, and to be guided, and even controlled, by the British Government on the other hand. As per treaty of 6 May 1802, which was subsequently recognised by the Peshwa by the treaty of Bassein, the East India Company promised the Gaikwad its countenance and "protection in all his public concerns according to justice, and as may appear to be for the good of the country, respecting which he is also to listen to advice." In ratifying that treaty the ruling Gaikwad wrote on 29 July 1802 : "Should I myself or my successors commit anything improper or unjust the English Government shall interfere, and see in either case that it is settled according to equity and reason." By a subsequent treaty made at Baroda on 21 April 1805 it was declared that the proceedings "are hereby confirmed, and are to bind the contracting parties, their heirs and successors, for ever." This last treaty was confirmed by another made at Baroda on 6 November 1817.

The provisions of the treaties were clear enough, but these were followed by more or less indefinite assurances from some spokesmen of the British Government. When Mountstuart

Elphinstone was Governor of Bombay the Gaikwad received the following assurance from him : "With regard to internal affairs Your Highness is to be unrestrained, provided you fulfil your engagements to the bankers of which the British Government is the guarantee." Elphinstone also wrote : "Your Highness to choose your own Minister, but to consult the British Government before you appoint him." In 1841, Sir James Carnac, the Governor of Bombay, wrote to the Gaikwad : "I have spoken to Your Highness on the nomination of a Minister. You are aware that you are bound to appoint a person to this office with the approbation of the British Government. You inform me that you desire no Minister, and you will yourself transact all matters of business with the Resident. As a mark of friendship for Your Highness, I have consented to waive the demand for this stipulation." He also wrote : "The British Government in no way wishes to interfere in the internal administration of Your Highness's territory, of which it acknowledges you to be the sole sovereign." The last few lines of Sir James Carnac's letter, if interpreted literally, seemed to absolve the Gaikwad from the obligations under which he had placed himself in 1802. But specific treaty provisions could not be nullified by such casual assurances. "Such informal statements cannot be taken as signifying more than the existing intention of the Government not to exercise its treaty rights to the full ; nor did the state appear to understand otherwise, for in 1856 the Gaekwar wrote to the Resident, : 'This government in every way is dependent on the Governor-General'...What is noticeable, here as elsewhere, is a deplorable laxity in regard to treaties. Sometimes they were to be enforced up to the very limit of constructive interpretation ; sometimes (though rarely) government chose not to exercise its full rights and allowed its agents to use language quite at variance with the fundamental facts, thus greatly, needlessly, unwisely increasing the ambiguous position of the princes and multiplying the occasions of misunderstanding."¹

In 1854, when the question of an appointment again presented

1 *Cambridge History of India*, Vol. VI, pp. 500-501.

itself, the government, receiving an acknowledgement that the choice was subject to its approval, waived its right to interfere. Again, in 1867 the Governor of Bombay informed the Gaikwad that he should be free to appoint his Minister without previous sanction, in the confidence that he was too wise to jeopardise his administration by an unfit selection. These transactions throw light on the rights and duties of the Government of India in respect of the Baroda state. Apart from the treaty obligations it is necessary to remember that Malhar Rao had special reasons to be grateful to, and bound by the advice of, the Government of India by which he was taken from a prison, where he had been confined on charges never disproved, in order to fill his position on the *gadi*.

In 1856 Khande Rao ascended the *gadi* of Baroda. Under him the administration of the state deteriorated to such an extent that it received a severe remonstrance from the Government of India. He was succeeded by his brother Malhar Rao in 1870. It was during his time that the Baroda state experienced a notoriously scandalous form of government which made it impossible for the Government of India to play the role of an idle onlooker.

The personal character of Malhar Rao was the clue to the situation. His antecedents were not favourable. He had been accused of being concerned in a conspiracy to murder his brother by poison or other means in 1863, and had in consequence been kept in confinement as a state prisoner during his brother's lifetime. He was described in the Residency records as being "intellectually feeble and apparently irresponsible for his actions." On Khande Rao's death, Malhar Rao was believed to be the only legitimate lineal descendant of Pilaji Gaikwad, the founder of the dynasty, and as such he succeeded to the government of the state.²

There was a heavy flow of correspondence from the year 1872 onwards between the Government of Bombay and the Government of India with reference both to the general misgovernment

² P. C. (A), July 1875, No. 217; Political Letter to the Secretary of State, 15 April 1875, No. 80.

of the Baroda state and to particular cases.³ There were frequent references to oppression of British subjects and others in the administration of justice. General discontent, it was reported, prevailed throughout the Gaikwad's dominions, which in the Bijapur district culminated in the rebellion of certain thakurs and endangered the general peace of the country. There were reports about the bribery of ministers and other officers in connection with the sale of offices, and the abduction of respectable women for purposes of domestic slavery and other unlawful ends. The general picture was one of inefficiency, corruption, oppression and unrest.

There were specific cases on record. Bhow Sindhia, the minister of the late Gaikwad, died in prison in 1871. He was supposed to have been poisoned. In opposition to the advice of the Assistant Resident, his body was hastily burnt immediately after his death, and investigation into the truth of the report of murder was rendered impossible. There was also a case in which a person died in consequence of flogging administered to him in the streets of Baroda. Complaints were also lodged by Rukma Bai, the youngest widow of the late Gaikwad, that she was in personal danger owing to the ill-treatment by Malhar Rao, and on enquiry, her statements seemed to the Government of India to be sufficiently substantiated by Dr. Lewis, the Residency Surgeon. Moreover, the correspondence also represented in clear terms the inefficient state of the contingent of 3,000 horse which the Gaikwad was obliged to maintain. Malhar Rao was accused of flagrant neglect to comply with treaty obligations to conform to the advice and suggestions of the British Government in respect of the formation and equipment, of this force, its regular monthly pay, and the condition of its arms and accoutrements. It was also alleged that he refused to co-operate in any way in implementing the arrangements which were thought necessary for the improvement of the administration of Kathiawar, and to which the principal chiefs of the province had consented.

3 From Secretary to Govt. of Bombay to the Govt. of India: No. 28T, 26 July, 1873 ; No. 29T, 26 July, 1873 ; No. 31T, 26 July, 1873 ; No. 64T, 29 Aug. 1873 ; No. 5509T, 5 Sept. 1873.

In the meantime, on 18 March 1873, Colonel Phayre was appointed British Resident at Baroda. Very soon after his appointment he brought to the notice of the Bombay Government the serious maladministration of the state by the Gaikwad. The Bombay Government, in its turn, represented to the Government of India in strong terms that measures of decided interference were necessary.⁴ "So serious is the derangement of the Baroda administration reported to be", the Bombay Government wrote, "that in the opinion of His Excellency the Governor of Bombay in Council the British Government will be guilty of dereliction of duty, if they do not take steps to enquire into, and if necessary apply a remedy to, the evils which are alleged to exist, His Excellency the Governor in Council accordingly applies for the authority of the Government of India a Commission for the purpose."⁵ The Government of India approved the proposal stating, however, that "the Commission would most appropriately emanate from the Government of India." The grounds for this somewhat unusual decision were thus explained. "...the grave allegations of misgovernment which have been officially made by the British representative at the court of His Highness,—seriously affecting, if correct, not only the welfare of the British subjects resident in territories of the Gaekwar and of His Highness' subjects generally, but also the peace and good government of the British and Native districts bordering the Gaekwar's territories, and the treaty relations subsisting between the British Government and the Baroda State, deemed the most careful and thorough investigation."⁶ It was clearly stated that the Government of India had no wish unnecessarily to interfere with the details of the Baroda administration. For the good of his country the Gaikwad was to be held responsible, and in isolated cases of complaint the Government of India would look to him to take the necessary measures to redress the individual grievances, or remove evils that might be brought to his

⁴ P. C. (A), July, 1875, No. 217. Political letter to the Secretary of State, 15 April, 1875, No. 80.

⁵ P. C. (A), July, 1875, No. 207.

⁶ Ibid.

notice. But "when evils of the kind indicated pervaded all the departments of the Administration, as is officially reported to be the case in Baroda, it becomes the duty of the British Government to institute an enquiry, and if necessary, to use the power it possesses under treaty of offering advice to the Gaekwar and requiring His Highness to conduct the affairs of Baroda in accordance with such advice. The British Government cannot undertake to protect the Gaekwar from the consequences of general misgovernment: the alleged general misgovernment of Baroda State is therefore a legitimate subject for enquiry and report by the Commission."⁷

Simultaneously, with the issue of instructions to the Bombay Government, a *Kharita* (dated 10 October 1873) was addressed by the Government of India to the Gaikwad in which he was informed that the very grave nature of the representations in regard to the conduct of the Baroda administration necessitated "a searching investigation" and for this purpose it had been decided to appoint at an early date a Commission which would report to the Government the result of its investigations. But the Gaikwad was assured that in appointing a Commission for the purpose of investigation the Government of India had no intention to interfere with the details of his administration.⁸

The proposed Commission, known as the first Baroda Commission, was appointed on 25 October 1873. It consisted of four members. Sir Richard Meade, "whose character for calmness of judgment is well-known, who has a thorough knowledge of the general conditions of the Native states, and who throughout his career has shown that he is ready to make every allowance in their favour, and that he has no wish to enforce a standard which it would be unreasonable to expect in their administration," was appointed to be the President of the Commission. Nawab Faiz Ali Khan, "who had been Prime Minister of the state of Jeypoor, and in whose character and ability great confidence was placed by the Miranaja of Jeypoor,

7 F. C. (A), July, 1873, No. 207

8 Ibid.

as well as by the British Government", was appointed to be a member of the Commission. The other two members—Mr. Ravenscroft and Colonel Etheridge—were nominated by the Bombay Government.⁹ While defining the duties of the Commission the Government of India laid stress on general issues rather than specific complaints. No encouragement was to be given to "frivolous or vexatious complaints"; the enquiry was to be conducted not so much with a view to the redress of individual grievances, as for the purpose of ascertaining whether such general maladministration exists as to call for further interference of the British Government." Should the Commission be satisfied that such misgovernment existed, the grounds of that conviction were to be fully reported, and suggestions offered regarding measures to be adopted "to bring about and maintain for the future a more satisfactory state of affairs without entailing a minute and vexatious interference on the part of the British Government"

On 25 October 1873 a *Kharita* from the Gaikwad was sent in reply to the Viceroy's letter announcing the appointment of the Commission. The Gaikwad deprecated the measure taken by the Government of India against a state that had been "...behaving with perfect fidelity on occasions for more than a century" and the appointment of a Commission seemed to him to be a greater humiliation than interference with the details of his administration, for such a step would lower his authority in public estimation. Hence in consideration of the staunch relations of friendship subsisting between the British Government and the state of Baroda, he prayed for the withdrawal of the Commission¹⁰ and went to say: "...the British Government is undoubtedly the paramount power in India and the existence and prosperity of Native states depend upon its fostering favour and benign protection. That Government always exercise its power with due consideration, and is ever solicitous for the preservation of rights."¹¹

9 Political letter to the Secretary of State, 15 April 1875, No. 80. P. C. (A), July 1875, No. 217, *Parliamentary Papers*, Vol. 56, 1875, p. 56.

10 P. C. (A), July 1875, No. 207. *Parliamentary Papers*, Vol. 56, 1875, p. 50.

11 P.C.(A), July 1875, No. 207 *Parliamentary Papers*, Vol. 56, 1875, p. 50

With the prayer the Government of India declined to comply ; it was considered necessary that the Commission should proceed to perform the duties with which it had been entrusted. But the Gaikwad was assured that every consideration would be paid to his honour and dignity and to the best interests of his state.¹² The Gaikwad refused to be satisfied with this assurance. On 31 December 1873 he addressed to the Viceroy an angry letter challenging the propriety of the action of the Government. "As a duty I owe to my state," he wrote, he wanted to place his "opinion on record, that the appointment of the Commission was not warranted by existing relations between the two states, and that the events of the last 9 or 10 months, and any action based upon them, should not be cited as a precedent on a future occasion." He did not explain his reasons "in order that I may not be understood by any supposition that I am desirous to influence the result of the Commission in any way."¹³ The reply of the letter was appropriately given later when the Government of India tendered him advice for the reform of his administration.¹⁴

Meanwhile the Commissioners submitted the result of their enquiries. Their report substantiated to a considerable extent the charges made by Colonel Phayre against the Gaikwad although the manner in which they had been brought forward and pressed by the Resident showed, in some cases, more zeal than discretion. The Commission revealed many glaring misdeeds committed by the Gaikwad. It stated that there were elements of serious disturbances throughout the dominions of the Gaikwad. As the territories of the British Government and the Gaikwad were interlaced, disturbances in the Baroda state had been greatly prejudicial to the interests of British subjects and to the peace and order of Her Majesty's dominions.

12 Ibid. *Parliamentary Papers*, Vol. 56, 8875, p. 51.

13 *Parliamentary Papers*, Vol. 56, 1875, p. 60. P. C. (A), July 1875. No. 207.

14 See Appendix A.

The Commissioners expressed the opinion that in the summary and extensive reductions of *Silhadars* and *Sirdars*, in the treatment of certain bankers, in the seizure of women to render forced service in the palace, in the treatment of the late Gaikwad's relatives, favourites and dependants, and in the arbitrary resumption of certain *inams* and hereditary emoluments, the proceedings of Malhar Rao had been "highly arbitrary and in some instances very unjust and of a character calculated to bring great discredit on His Highness's administration, and to excite distrust and alarm amongst a large portion of the influential and respectable classes of the community."¹⁵ The Commissioners made some general recommendations. The grievances of the agricultural classes required careful examination. The existing practice of levying *nazarana* on appointment was wholly inconsistent with good Government, and should be entirely relinquished and interdicted. The practice of ill-treating accused persons or prisoners to extract confession obtained to some extent and required the most watchful efforts for its absolute suppression. The judicial department and administration required thorough overhauling in order to remove the existing uncertain and irregular application of the law and want of confidence in the proceedings of the courts and Magistrates. The state of affairs, when viewed altogether, constituted general maladministration of a character urgently calling for reformation, which could not be effected without some interference on the part of the Government of India. It was "hopeless to look for any effectual measures of reform and improved government at the hands of the present ruler and its advisers." The Commissioners were "convinced that these can only be introduced through the intervention and under the auspices of the Government of India."¹⁶ They made two specific recommendations for improvement of administration : the removal from service of

15 Political letter to the Secretary of State, 15 April 1875, No. 80. P. C. (A), July 1875, No. 217. *Parliamentary Papers*, Vol. 56, 1875, pp. 62-63.

16 Report of Baroda Enquiry Commission to the Govt. of India : P. C. (A), July 1875, No. 207. P. C. (A), Aug. 1875, No. 168.

certain officials of the Baroda state and the appointment by the Gaikwad of a Minister recommended by the Government of India who would not be subject to removal without the special orders of that Government.

These recommendations were supported by the Bombay Government. Some of the members of the Bombay Government went further. Mr. Tucker was in favour of a complete overhauling of the Baroda administration and he also submitted a draft to that effect.¹⁷ Mr. Gibbs recommended the deposition of Malhar Rao and the appointment of a Regency.¹⁸ But the Government of India ruled out these extreme courses. The plan of setting aside the authority of an oppressive ruler by the appointment of an independent Minister, while the ruler still remained nominally upon the *gadi*, had not been, in the judgment of the Government of India, sufficiently successful in other cases to justify its renewal. It was considered better to seek a remedy by charging Malhar Rao himself with the duty of immediate reformation.¹⁹

In a *Kharita* of 20 July 1874 the Government of India pointed out to the Gaikwad that the obligation of the Government of India to protect his *gadi* against insurrection laid on it a sacred obligation to protect his subjects against misgovernment. Having regard to that obligation, and the responsibility which his misuse of power had imposed upon the Government of India, the Commission recommended certain measures for the remedy of the principal evils which were oppressive to the people. A probationary period of 18 months, which was to expire on 31 December, 1875 was allowed to the Gaikwad for effecting the necessary reforms. He was distinctly warned that if he failed to perform this task within the allotted time he would be removed from power. Every assistance was offered to him for that purpose. If he required the assistance of officers of the British Government, the Government of Bombay would, on his

17 *Parliamentary Papers*, Vol. 56, 1875, pp. 65-79.

18 *Parliamentary Papers*, Vol. 56, 1875, pp. 348-351.

19 P. C. (A), Aug. 1875, No. 168.

application, do all in its power to meet his wishes.²⁰ He was assured that the Resident would give the Minister, whoever he might be, the fullest co-operation in carrying out the reforms and he would be careful to study the honour and dignity of the ruler and make his communications in the manner, least distasteful to him and least calculated to weaken his authority.

The Gaikwad agreed to implement the recommendations of the Commission. But at the same time he represented to Northbrook for a change in the Residency. He complained that Colonel Phayre had expressed a strong opposition to the selection of a Minister of his choice and cherished "an uncompromising bias against me and my officials."²¹ He further complained that in his communications with him and with Dadabhai Naoroji, the Minister whom he (*i.e.*, the Gaikwad) had selected, Colonel Phayre was wanting in consideration. It was also reported that in some respects he misunderstood and indeed acted contrary to the instructions given to him by the Government of Bombay.

The Gaikwad's sentiments were not entirely unacceptable to the Government of India which "not favourably disposed" towards Phayre and "entertained considerable doubts whether he possessed the discretion, conciliatory bearing and appreciation of the questions he had to deal with, which were necessary for effectually meeting the difficulties before him."²² Initially, however, the Government of India considered it undesirable to replace Colonel Phayre by another officer. The Secretary of State was informed that the removal of the Resident would "weaken the position he had taken with the Gaekwar," and it was hoped that "the precise instructions given to him would be sufficient to prevent him from acting injudiciously in future."²³

The Bombay Government was aware of the highhanded

20 P. C. (A), July 1875, No. 207. Political letter to the Secretary of State, No. 80, 15 April 1875. Para 8.

21 *Parliamentary Papers*, Vol. 56, 1875, p. 488. P. C. (A), July 1875, No. 209.

22 *Parliamentary Papers*, Vol. 56, 1875, p. 508.

23 P. C. (A), July 1875, No. 217.

attitude of Colonel Phayre. It also knew that the Resident was not acting as per instructions given to him. But it neither complained against him nor asked the Government of India to remove him. But the Government of India soon became convinced that he had failed to fulfil the expectations which had been reposed in him. Moreover, there was the possibility that in future the Gaikwad, for his failure to discharge his duties, might shift the whole responsibility to Colonel Phayre on the plea that the Resident had not co-operated with him. Therefore, in order to save the Resident from becoming a scape-goat as well as to give the Gaikwad "every opportunity of inaugurating a new system of administration with success," the Government of India arranged to depute an officer of high rank and wide experience in political affairs to be its representative at the court of Baroda.²⁴ Colonel Phayre was given an option to retire, of which he declined to avail himself. He was then removed and replaced by Colonel Sir Lewis Pelly, Agent to the Governor-General for Rajputana.²⁵ The Bombay Government protested in strong terms against the manner in which Colonel Phayre was removed.²⁶ The question of his removal was kept hanging in the balance for a long time. An earlier change in the Residency might have averted some unhappy developments, including the poisoning case, and from that point of view the hesitant stand of the Government of India and the timid policy of the Bombay Government may be censured.

While these arrangements were in progress, information was received of an attempt to poison Colonel Phayre. On 27 February 1875 he sent a telegram to the Bombay Government : "Bold attempt to poison me this day has been providentially frustrated"²⁷ He instituted an enquiry and examined the servants at the Residency immediately after the attempt was detected. But no evidence of any value was traceable, and the enquiry for the time being was suspended. Colonel Phayre,

24 P. C. (A), July 1875, No. 209.

25 Ibid.

26 *Parliamentary Papers* Vol. 56, 1875, pp. 499-500

27 P. C. (A), July 1875, No. 210, Exhibit 'G'.

however, entertained and expressed "a confident opinion"²⁸ that the attempt was instigated by the Gaikwad. This conclusion could not, of course, be accepted without any evidence.

Meanwhile, on the assumption of his office, Sir Lewis Pelly found affairs at Baroda in a very chaotic condition. Although assurances had been given from time to time by the Gaikwad that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to the over assessment of land revenue, while the differences between the *Sirdars* and the Gaikwad threatened a serious disturbance of the peace.²⁹ His relations with the *Sirdars* were further embittered by his marriage with Luxma Bai which was highly improper in their eyes and hence discreditable to Malhar Rao. Not only was the caste of Luxma Bai unsuitable, but her antecedents were extremely questionable. The pay of the military classes was greatly in arrear; the *Sirdars* and the Arabs were fast going beyond control, and might at any moment burst forth into open rebellion. It was proved, when Sir Lewis Pelly had assumed the direction of Baroda affairs, that there were ample funds in the hands of the Gaikwad for clearing the arrears of pay.³⁰ The Gaikwad gave assurances to Sir Lewis Pelly that remedial measures would be taken. The Government of India entertained some hope that, although no confidence could be placed in the personal character of the Malhar Rao, yet he might be induced to allow the administration of the state to be effectually reformed.³¹

Besides the general administrative degeneration, the financial condition of the state, as represented by Pelly, was quite deplorable. He reported that the revenue of the state during the past year was found to be 94 lakhs, and the expenditure during the same time no less than 171 lakhs, out of which sum 40 lakhs

28 P. C. (A), July 1875, No. 217. Political letter to the Secretary of State, 15 April 1875, No. 80.

29 Political letter to the Secretary of State, 29 April 1875, No. 91.

30 Ibid.

31 P. C. (A), July 1875, No. 217.

had been spent in gifts chiefly made to favourites and courtesans and 30 lakhs more had been spent in building and repairing palaces and meeting other personal expenses of the Gaikwad himself. The manner in which the accounts were kept was most unsatisfactory. In the Baroda State Treasury a sum of only 2,000 rupees was found when Sir Lewis Pelly assumed charge of the administration; but 40 lakhs of rupees were afterwards discovered by him concealed in the palace, and it was thought that considerable sums had been removed.³² It was practically certain that affairs at Baroda remained much at the same point to which they had degenerated before the appointment of the first Baroda Commission and no sincere efforts had been made by the Gaikwad to ameliorate the condition of the people. Apparently Colonel Phayre, against whose proceedings the Gaikwad represented to the Government of India, did not stand in the way of improving the administration. His imperious tone and flagrant disregard of the instructions given to him by the Government of India and the Bombay Government led to his removal. Had the Gaikwad been really desirous of improving the standard of administration, he could have done so. No such desire was manifest in his acts. Upto the time when his alleged complicity in the poisoning of Colonel Phayre compelled the Government of India to suspend him from power, no real progress towards improvement had taken place. Rather the period was marked, as disclosed by Sir Lewis Pelly, by his reckless prodigality and oppression which threatened to plunge the state into disorder.

Although Colonel Phayre had been removed, the Government of India could not ignore his "confident opinion" that the attempt to murder him by poison had been instigated by the Gaikwad. The Secretary of State observed in a despatch (No. 69, 3 June 1875) to the Government of India: "...it would have been a scandal to continue relations of friendliness, and apparent cordiality with a prince lying under a charge so horrible, made by those who professed to be his instruments: and it would not have been just to the able servants of the

32 Political letter to the Secretary of State, 29 April 1875, No. 91.

Crown, who perform delicate political duties, often under circumstances of difficulty and peril, to announce to the world that you held their lives so cheaply.”³³ Already the circumstances under which Bhow Sindhia had been found dead in prison had created a strong suspicion about the Gaikwad’s methods. The suspicion of the Government of India was further deepened by the death of one Govind Naik.³⁴ Sir Lewis Pelly enquired into the case and the evidence taken by him conclusively proved that Malhar Rao was responsible for setting in force a system of torture under which Govind Naik finally succumbed. He also found that “a regular system had existed in Baroda for the removal of obnoxious persons by poison.”³⁵ All these cases confirmed the unfavourable views previously taken of Malhar Rao’s character and conduct.

Bearing these misdeeds of the Gaikwad in mind, the Government of India instructed Sir Lewis Pelly to take measures to investigate into the case of poisoning. For that purpose he obtained the assistance of Souter, Commissioner of Police, Bombay, and some other police officers of Bombay. For some time they could obtain no evidence of importance; but in the middle of December they discovered a clue which indicated that the Gaikwad had been in the habit of holding secret communications with some Residency servants. Two of those servants—Raoji and Narsu—confessed that they had committed the offence, and alleged that they had done so at the personal instigation of the Gaikwad. Raoji made this confession on receiving a promise of pardon; but Narsu was distinctly told by Pelly that he must not expect a pardon. Pelly was instructed to communicate the evidence to the Advocate-General of Bombay.

33 P. C. (A), Aug. 1875, No. 168.

34 Govind Naik was an old servant of the Gaikwad, and was in charge of the *Shilley Khana*. He was arrested under the order of the Gaikwad. No reason for the arrest, was assigned, but it was generally understood by all who were afterwards connected with Govind’s case that he had committed some offence of a private nature, probably in connection with *Zenana* over which he had authority. *Parliamentary Papers*, Vol. 56, 1875, p. 398.

35 *Parliamentary Papers*, Vol. 56, 1875, p. 397.

who advised that, if it stood the test of cross-examination, it would be sufficient to convict the Gaikwad of the offence in a court of law. Souter was immediately despatched to Calcutta with the evidence and the opinion of the Advocate-General. When the papers were received in Calcutta, they were referred for the opinion of the Acting-Advocate General and the Standing Counsel to the Government of India. They advised that the evidence was sufficient to commit the Gaikwad for trial, and expressed their doubts with regard to the Gaikwad's contention of a conspiracy being hatched against him.³⁶

The Government of India gave careful consideration and particular attention to the case. It examined Souter most carefully with respect to the nature of the police investigation. Souter assured the Government of India that the greatest possible precautions had been taken to prevent evidence being concocted by the subordinate police officials. The Government of India also discussed the probability of there being a conspiracy against the Gaikwad, but it did not find any reasonable ground for such a supposition. The Government of India, therefore, considered that there was a strong *prima facie* reason to suppose that the attempt had been hatched by the Gaikwad.³⁷

The next question that confronted the Government of India was how to deal with the matter at this stage. Explaining its position it wrote to the Secretary of State: "It was impossible to pass over an attempt on the life of a British Resident at the Court of a Native Prince. The sanctity attached to the lives of the Ambassadors extends in our opinion, if possible, in a greater degree, to British Residents at the Courts of Native states, and no offence could be greater than an attempt upon the life of a British Resident instigated by the Ruler of a Native state."³⁸ But, at the same time, the evidence as it then stood was far from being sufficient to enable the Government of India to condemn the Gaikwad. The witnesses had not yet been subjected to

36 Political letter to the Secretary of State, 15 April 1875, No. 80, P. C. (A), July 1875, No. 217.

37 Ibid.

38 Ibid.

cross-examination. The Government of India again wrote to the Secretary of State : "We sincerely regret the necessity which has forced these measures upon us. But it was impossible to allow the strong suspicion of the Gaekwar's complicity in so heinous a crime to stand without investigation into the case, and it was impossible to continue political relations with a prince against whom such a suspicion existed."³⁹ Some enquiry was, therefore, imperative. The Government of India considered it necessary to take an extreme step and wrote to the Secretary of State : "Having regard to the antecedents of the Gaekwar, and the strong *prima facie* case against him, it appeared to us, that there was no probability of a fair enquiry being made so long as he remained in the position of Ruler of Baroda. Moreover, with such a strong *prima facie* case against him, it would have been highly improper for us to have continued friendly communications with him pending the investigation. We therefore determined to arrest the Gaekwar and to assume, on behalf of the Queen, the administration of the state of Baroda, pending the result of the enquiry. The action on our part was not based on consideration of law. It was an act of state carried out by the Paramount Power."⁴⁰ The Government of India issued a Proclamation⁴¹ describing the attempt to poison Colonel Phayre as "a high crime against Her Majesty the Queen and a breach of the condition of loyalty to the Crown under which Mulhar Rao Gaekwar is recognised as ruler of the Baroda State." As the attempt was "an act of hostility against the British Government" and as it was "necessary fully and publicly to enquire into the charge and to afford His Highness Mulhar Rao Gaekwar every opportunity of freeing himself from the grave suspicion which attaches to him," he was suspended from the exercise of power. Troops were simultaneously sent to Baroda ; the arrest of the Gaikwad and the assumption of the adminis-

39 Political letter to the Secretary of State, 15 Jan, 1875, No. 11.

40 Political letter to the Secretary of State, 15 Jan, 1875, No. 11. 15 April 1875, No. 80. P. C. (A), July 1875, No. 217.

41 Aitchison, *Treaties, Engagements and Sanads*, Vol. VI, pp. 159-160 (ed. 1892).

tration of the state were effected with promptness and success by Sir Lewis Pelly.

The Government of India was careful to announce publicly that the assumption of the state of Baroda was temporary. It also assured that the administration would be conducted, as far as possible, "in accordance with the usages, customs and laws of the country," and that "a native Administration will be re-established in such a manner as may be determined upon after conclusion of the enquiry and after consideration of the results which such enquiry may elicit."⁴² These public announcements were intended to assuage popular resentment. The Government of India was well aware that its firm action was likely to provoke some mistrust of its motive. It wrote : "...notwithstanding the solemn announcements that had been made from time to time that there was no desire to extend the British possessions in India, all our proceedings with regard to Native States were watched with a jealousy which indicated that those declarations were hardly yet accepted as expressing the real intentions of the British Government." It was essential to explicitly announce that there was no intention of annexing the territory of Baroda."⁴³

Almost at the same time as the evidence against the Gaikwad was received, but before the Government had determined upon the course which should be taken, Dadabhai Naoroji, the reforming Minister, who had been appointed under the pressure of Sir Richard Meade's report, resigned the office. This resignation was shrouded in mystery and no definite cause could be ascertained. However, the state of Baroda was now left without a Minister. It rested with Pelly to conduct the administration, and, in doing so, it was necessary for him, in consequence of the critical position of the state, to carry out certain reforms, more specially with respect to the collection of land revenue and to the grievances of the *sirdars*. These reforms had been

42 Aitchison, *Treaties Engagements and Sanads*, Vol. VI, pp. 159-160 (ed. 1892). Political letter to the Secretary of State, 15 Jan, 1875, No. 11.

43 Political letter to the Secretary of State, 15 April 1875, No. 80. P. C. (A), July 1875, No. 217.

promised by the Gaikwad previous to his arrest. Pelly carefully conformed to the instructions which were given to him by the Government of India that during his temporary tenure of authority he should be careful to effect no important changes other than those which it (Government of India) had already ordered to be carried out consequent on the report of the Commission of 1873, and which had been accepted by the Gaikwad.⁴⁴

After the arrest of the Gaikwad the next step was to determine the nature of enquiry that should take place. The Government of India wrote : "Notwithstanding the objections to which a public enquiry was open, in our opinion, a public enquiry was more advisable than one conducted in private, which would have been occasion for suspicion and mistrust." An independent Commission, known as the second Baroda Commission—which was really an extraordinary court of trial—was appointed for this purpose. As it was desirable that "the commission should be constituted in such a manner as to command the confidence of the whole of India,"⁴⁵ it was decided that one-half of it should consist of Indian members, and that of these one should be, like the accused, a Maratha prince, and a distinguished Maratha statesman. Sir Richard Couch, the Chief Justice of Bengal, and the highest judicial authority in India, was made President of the Commission. He was to be assisted by Sir Richard Meade. The other judicial member selected was Justice West of Bombay, but as his services were not available, the choice fell upon Sir Philip Melvill who had been Judicial Commissioner of the Central Provinces and had acted as a judge of the Chief Court at Lahore. Among the Indian members of rank and position was Sir Dinkar Rao. Two other members were Maharaja Sindhia and the Maharaja of Jaipur. Maharaja Holkar, while expressing his complete concurrence in the course taken by the Government, excused himself from serving.⁴⁶

44 Ibid.

45 P. C. (A), Aug. 1875, No. 168.

46 Political letter to the Secretary of State 15 April 1875, No. 80. P. C. (A), July 1875, No. 217.

The Indian members, who agreed to serve on the Commission, were associated in order to ensure for it the confidence of the people of India and to show to the world that they completely identified themselves with the policy of the Government of India.

The suspension of the Gaikwad from power and the exercise of functions, the assumption for a time of the administration of his dominions, and the public enquiry into his conduct by means of a Commission appointed by the Government of India involved the exercise of an authority by the paramount power of the widest possible nature. These steps had been taken "not upon legal but political grounds." Accordingly, the Commission was not constituted as a judicial tribunal.⁴⁷ The Government of India wrote to the Secretary of State in justification of its policy: "The proceedings of the commissioners were not intended by us to be of a strictly judicial character, as is apparent upon the face of public instructions which they have received. It was their function to examine into their evidence, and not to report their opinions upon it, but we held it to be our duty to express a final decision upon the issues which were laid before the commissioners."⁴⁸ Thus their function was to report to the Government of India with whom the decision was ultimately to rest.

The charges against the Gaikwad—the subject matter of the enquiry—were three in number. First, he "did by his agent and in person hold secret communications for improper purposes with some of the servants" employed by Colonel Phayre or attached to the Residency. Secondly, he "gave bribes to some of those servants, or caused such bribes to be given." Thirdly, "his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison."⁴⁹

47 Political letter to the Secretary of State, 15 April 1875, No. 80 P. C. (A) July 1871, No. 217.

48 Political letter to the Secretary of State, 22 April 1875, No. 88.

49 Political letter to the Secretary of State. 15 April 1875, No. 80. P. C. (A), July 1875, No. 217.

An enquiry into the alleged practice of the Gaikwad of holding communications with the Residency servants, and of giving them money for the purpose of obtaining information as to the business conducted at the Residency, was necessary for the purpose of clearing the way for the examination of his connection with poisoning. If the evidence with respect to those communications broke down, it would be a strong argument in favour of the innocence of the Gaikwad. If, on the other hand, the secret interviews were established, the antecedent improbability of the Gaikwad's personal communication with persons of that class would be removed.

The Commission commenced their proceedings on 23 February and closed them on 31 March 1875. Sir Richard Couch, the President, Sir Richard Meade and Sir Philip Melvill found Malhar Rao Gaikwad guilty of the offences imputed to him.⁵⁰ Maharaja Sindhia and Sir Dinkar Rao found the grave imputations not proved, whilst the Maharaja of Jaipur considered the Gaikwad not guilty. Moreover, these three treated the minor imputations "as matters of no importance and in accordance with the practice at other Native courts,"⁵¹ and pleaded for his acquittal.

In a telegraphic message (13 April 1875) addressed to the Secretary of State the Government of India intimated that after careful consideration of the reports and opinions of the Commissioners, and the evidence on which they were based, it had come to the conclusion that all the charges against Malhar Rao were true; a real attempt was made to poison Colonel Phayre, and it was impossible to reconcile established facts with the opinions of those commissioners who held the Gaikwad's guilt not proved. In any case, there would still remain the most grave suspicion attached to Malhar Rao which, coupled with his previous character,⁵²

50 P. C. (A), July 1875, No. 215.

51. P. C. (A), July 1875, No. 218. Political letter to the Secretary of State, 15 April 1875, No. 80 P. C. (A), July 1875, No. 217.

52 His imprisonment for conspiring against the life of his brother, Bhow Sindhia's death, Rukma Bai's case and the general findings of Sir Richard Meade's Commission.

and general misgovernment, would make it impossible to replace him in power. To restore him under any conditions would be a miscarriage of justice and fatal political error. It would seriously weaken the authority of the British Government in India and the position of British Residents at Indian courts."⁵³

As regards the penalties with which Malhar Rao should be personally visited, the Government of India wrote : "...the enquiry into the share of the Gaikwar in the attempt to poison Colonel Phayre differed materially not only in the form, but in the substance, from an ordinary criminal trial. Little or no public injury is entailed when an ordinary person is restored to freedom after a trial which, although resulting in his acquittal by a jury, leaves him under a suspicion of guilt, or in the terms of Scotch Law, with a verdict of "not proven." But the case of Malhar Rao was different. He was the sovereign head of a large territory, and, if restored to power, would have again become responsible for its government. The Government of India have intimate relations with the Baroda State, for the proper conduct of which it is essential that they should be able to communicate with the Gaikwar in terms of confidence and friendship. This would have been impossible as Mulhar Rao lay under a grave suspicion of being concerned in a cowardly and atrocious crime, not against an ordinary individual, but against the representative of the British Government whose functions invested him with the responsibility which, from the earliest history of the world, has been attached by all nations to the persons of the ambassadors."⁵⁴ The Commissioners were guided in their decision by these considerations and their views were stated as follows : "...on a review of all these circumstances of the case...we should do no more than depose him and his issue and place him under restraint in British territory on a suitable allowance to be provided from the Baroda revenues."⁵⁵

53 P. C. (A), July 1875, No. 203. Political letter to the Secretary of State, 15 April 1875, No. 80. P. C. (A), July 1875, No. 217.

54 Political letter to the Secretary of State, April 1875, No. 80.

55 P. C. (A), July 1875, No. 203. Political letter to the Secretary of State, April 1875, No. 80

Although "so atrocious an offence" as the attempt at murdering the Resident would justify the revision and readjustment of the relations between the British Government and Baroda,⁵⁶ the Government of India was decidedly of opinion that, in consequence of the divided report and for other weighty reasons, it would be inexpedient to make any alterations in the existing system in consequence of recent events.

The telegram detailing the findings of the Commission and the opinions of the Commissioners was considered in the Cabinet in London. Conveying the decision of the Cabinet to the Government of India, the Secretary of State for India telegraphed (15 April 1875) to the effect that Her Majesty's Government consented to the deposition of the Gaikwad, but the consent was given only "as an act of political necessity, on ground of his unfitness to govern and bad moral effect of restoring him."⁵⁷ No proclamation of Deposition was to be issued on the basis of the enquiry or report of Sir Richard Couch's Commission ; as the Commissioners were at variance with one another, the charges must not be assumed to be true. "The reasons," wrote the Secretary of State, "given for the deposition should be very briefly and generally stated, simply that Mulhar Rao having by misgovernment, disloyalty and other evil practices forfeited your confidence and broken his obligations, he and his issue are deposed, and at the same time naming his successors. There should be no alteration in our relations with Baroda state."⁵⁸

On this point the Secretary of State for India subsequently wrote to the Government of India : "If Mulhar Rao had been found guilty by the Commission of the heinous offence imputed to him, there would have been no ground for inflicting on him any milder punishment than that which would have been thought just if he had occupied a humbler position. His crime would have been aggravated by the character of the office held by the

56 Ibid

57 P. C. (A), July 1875, No. 219.

58 Ibid.

person against whom it was directed, and it would not have been extenuated by his own exalted station. He was, however, neither convicted nor acquitted. The opinion of the Commission, though it inclined against him, was not decisive ; for of the six members, while three including the learned President, were for conviction, only one was for acquittal.”⁵⁹ The three Commissioners who declined to convict him were “men of his own race, who had been placed upon the tribunal in order to ensure for it the confidence of the people of India.” Malhar Rao could not, therefore, be treated as having been proved guilty of the crime of poisoning. On this ground he was spared the penal consequences which would probably have followed a conviction for that crime.⁶⁰

In consonance with the Home Government’s instructions the Government of India issued a Proclamation.⁶¹ It stated that the Gaikwad had been deposed from the sovereignty of the Baroda state for “his notorious misconduct, the gross misgovernment of the state, and his evident incapacity to carry into effect the necessary reforms,” and “that he and his issue are precluded from all rights, honours and privileges thereto appertaining.” But as the Government of India was desirous of re-establishing “a Native Administration in the Baroda State,” it recommended that in consideration of the loyal conduct of the late Khande Rao Gaikwad in 1857, Her Highness Jumna Bai (his widow) would be allowed to adopt some member of the Gaikwad house “whom the Government of India may select and place in power.”⁶²

The removal of Malhar Rao was effected without serious disturbance although it sparked off some minor disturbances and provoked severe criticisms from Indian newspapers. However, a boy of ten years belonging to a distant branch of the Gaikwad

59 P. C. (A), Aug. 1875, No. 168.

60 Ibid.

61 P. C. (A), July 1875, Nos. 217, 221. Political letter to the Secretary of State, 15 April 1875, No. 80.

62 The question of succession has been discussed in Chapter II.

house was installed in his place on 27 May 1875. "...The restoration of the native administration in Baroda," as Lord Cromer observed, gave "a solid and practical confirmation of the non-annexation policy"⁶³ solemnly declared two decades earlier in the Queen's Proclamation during the Viceroyalty of Earl Canning.

The inability of the Commission to pronounce the Gaikwad guilty of poisoning proved embarrassing to the Government of India and Her Majesty's Government as well and it impelled the Secretary of State for India to question the propriety of constituting such a Commission in future if a similar occasion were ever to arise. The penal measure finally taken, *i.e.* deposition, could have been effected (in the opinion of the Secretary of State) even without the Commission; other reasons,⁶⁴ in themselves amply sufficient, existed for getting rid of him. Again, the Indian members were included in the Commission to earn the confidence of the people of India. This step would have been meaningless if their judgment had been allowed to count for nothing. They declined to convict the Gaikwad and the Government of India had to pay deference to their opinion. The Secretary of States also remarked that the mode of the conduct of the proceedings were attended with "grave inconveniences." He went on to say: "Princes and nobles are not qualified by forensic training for the conduct of delicate judicial investigation; and those of India to whom the customs of an English court of law and the skill of an English advocate are strange, enter upon such novel duties under a special disadvantage. The experience, moreover, of the present case has shown that our judicial forms are little suited to the trial of

63 Quoted in Mallet, *Thomas George Earl of Northbrook*, p. 96.

64 Referring to the cases of Bhow Sindhia and Govind Naik the Secretary of State wrote: "Both crimes*were committed by persons in authority under Mulhar Rao, and the latter was distinctly traced to his orders. Had they been established while he was still upon the throne, it would have been impossible for the British Government to have abstained any longer from terminating a power used for such atrocious purpose." [P. C. (A), Aug. 1875, No. 168].

Judicial Relations and Social Reforms

6

In discussing the judicial relations between the Indian states and the paramount power it is necessary to deal with the problems of extradition and criminal jurisdiction which arose inevitably from territorial contiguity. These problems reveal one aspect of the working of paramountcy.

Extradition

The question of extradition of offenders between British India and the Indian states was complicated by various factors, such as the different degrees of sovereignty possessed by the states allied with, or subordinate to, the British Government, the different status of the subjects of Her Majesty who formed the population of British India,¹ and the enormous difference between the British judicial system and the judicial system of the princely states including the general absence in the latter of those guarantees for fair and open trial which the British Government had provided in the British provinces.² There were three categories of states which the British Government had to deal with, namely, (i) foreign states, (ii) princely states of the first grade which, being in subordinate alliance, retained a considerable degree of sovereignty, and (iii) the larger group of inferior feudatory or tributary states.

The principle of reciprocity was applied in regulating extradition with foreign states, such as the frontier states of Nepal and Burma over which the British Government claimed no paramountcy or political control. The Government of India had an extradition treaty with Nepal. There was no such treaty with Burma, but the commercial treaties of 1861 and 1867 contained clauses providing for extradition. In these extradition

1 A Judl I, July 1864, No. 2.

2 Office Note by Aitchison, J. C. (A), Aug. 1871, Nos. 17-27.

engagements it was generally stipulated that neither Government was bound to deliver up its own subjects, but only the subjects of the Government making the demand. Actually the question of extradition with these states was an affair of International Law and was regulated by the interpretation of the treaties and by the ordinary rules for meeting the demands of foreign powers.

Within the limits of India there were some states with which the Government of India had at different times concluded treaties of extradition. For example, a treaty stipulating for strict reciprocity was concluded with Hyderabad in 1867.³ But even apart from such treaties, the general subordination of the princely states to the Government of India, and the paramountcy flowing from it, gave that Government the power to demand the extradition of any person if considered necessary. The Agent to the Governor-General for Central India referred to the feeling of dissatisfaction prevalent among the larger princely states in regard to the law and practice of extradition. The right of extradition presupposed a degree of independence which the states did not in fact possess. The Government of India did not recognise the omnipotence of princely governments to deal with all offences and offenders within their territorial limits, nor did it admit its own powerlessness or want of jurisdiction beyond its own territory. In the larger states like Kashmir, Indore, Hyderabad etc., although comparatively independent in their internal administration, the Government of India had none the less extensive power of interference, both by voluntary engagement and by virtue of its supremacy; in the smaller states it had even assumed judicial administration.⁴ Lee-Warner observes: "In many of the protected states the Government of India shares with the sovereign his jurisdiction over his own subjects; and in some the entire administration of justice, both civil and criminal, is conducted under arrangements

3 Aitchison, *Treaties, Engagements, and Sanads*, Vol. IX, pp. 108-09 (ed. 1909).

4 Office Note by Aitchison: J. C. (A), Aug. 1871, Nos. 17-27.

made by the executive government, or as it is termed, by the courts of the Governor-General in Council."⁵

The great bulk of the states had no extradition treaties; the procedure of extradition applicable to them was defined by Act XXI of 1879. But this procedure was not confined only to the states which had no extradition treaties. The provisions of the Act being much more liberal than the usual stipulations in the treaties, a princely state possessing a treaty had the option to choose for itself either the treaty or the Act. It was, however, not at liberty to pick and choose between the two modes of satisfying a particular demand for surrender. It was required either to consistently abide by the treaty, or to adopt the procedure prescribed by the Act of 1879 with the conditions attached. In practice the Act suspended the absolute methods provided for by the treaties.

The most complicated issue was the distinction made between the various classes of persons whose extradition was demanded, whether under the law or under the terms of a treaty, by the states. Within the limits of British India a distinction was recognised between *European* British subjects, "*Native*" British subjects, and persons (not British subjects) who were subjects of the state which made the demand for extradition.

So far as jurisdiction over the first category, viz. *European* British subjects charged with crime committed in a state, was concerned, it was treated as "one of the many undefined matters which the British Government in virtue of its position and with reference to the circumstances of Native states has a right to regulate".⁶ Theoretically every independent state had a right to deal according to its own laws with any person resident within its territory. But this right had never been admitted as inherent in any princely state within India. On account of the subordinate position of the princely states and their imperfect judicial system the Government of India ruled out the principle of reciprocity. As early as 1836 the Court of Directors had laid

5 Lee-Warner, op. cit., p. 165.
6 J. C. (A), Sept. 1873, No. 8.

down two principles : "(i) British subjects apprehended in British territory on any charge or offence committed within the possession of any Native prince, are amenable to British tribunals ;" "(ii) the subjects of the Native states, wherever apprehended, are always amenable to the British courts for crimes and heinous offences committed within the British territory." "7 This was justified not less "as a proper prerogative of the paramount power than on the ground of the inequality in the state of civilisation, and of jurisprudence under the British Government and that of Native states." "8 Again, in 1841 objection was raised "to the delivery to foreign states of British subjects alleged to have committed crimes in these territories as at variance with the existing rules, and liable to the objection that British subjects apprehended in British territory are denied the protection of British laws." "9 Thus the right to extra-territoriality belonged to every *European* British subject in the princely states of India ; and, as such subjects were amenable only to the courts of British India for offences committed by them in the princely states, no question of extradition arose (Article 11 of 1869 was naturally repealed). Aitchison quoted historical precedents in this connection in an official note : "In Mahomedan and heathen countries this extra-territoriality has always been widely extended by Christian powers for the protection of their countrymen. Our own parliament has passed the Foreign Jurisdiction Act for the express purpose of constituting consular and other courts to try British subjects committing offences in certain countries beyond Her Majesty's dominions. It is very obvious that in heathen countries this extra-territoriality must be very widely applied as regards Europeans." "10 Lee-Warner also observes : "It must be admitted that the relief which capitulations and treaties provide for Europeans in foreign

- 7 J. C. (A), April 1862, Nos. 57-65. Office note by Aitchison : J. C.
- 8 J. C. (A), Aug. 1871, Nos. 17-27.
- 9 Ibid.
- 10 Office Note by Aitchison : Ibid.

nonchristian countries is also needed in the protected states of India."¹¹ The Government of India provided this "relief" by refusing to extradite them to princely states for offences committed in their territories.

Not only were European offenders not extradited to princely states; they had to be surrendered to the British authorities if they were arrested in the princely states for offences committed there. The Government of India demanded the surrender of military deserters from the Imperial army, but it did not extradite to a princely state a deserter from its army.¹² The law of extradition was one-sided. Aitchison admitted it. He observed: "While we enforced our demands on Native states, they very justly complained that their demands were always met by legal and technical difficulties..The British Government have always asserted their right, whenever they saw fit, to try their own subjects arrested in Native states throughout India. In this respect they have asserted a concurrent jurisdiction with the Native states, and sometimes an exclusive jurisdiction to the destruction of the co-ordinate authority of the Native states. This has been done generally in even the largest states like Gwalior and Indore."¹³

Extradition treaties concluded with the princely states were found to be unsatisfactory. Difficulties arose in the case of the treaty with Hyderabad. First, Hyderabad was not a sovereign state; and secondly, the conclusion of such a treaty amounted to the admission of the right of extradition in respect of the subordinate states. Several extradition treaties were concluded with the Rajput and other states between 1867 and 1869; but Act XXI of 1879 after the passing of that Act, in preference to the arrangement embodied in those agreements.¹⁴ Those treaties had no practical utility and remained dead letter. In

11 Lee-Warner, op. cit., p. 190.

12 Ibid., p. 193.

13 Office Note by Aitchison : J. C. (A), Jan. 1873, Nos. 29-39.

14 Lee-Warner, op. cit., pp. 194-195.

the opinion of the Government of India treaties of extradition seemed entirely out of place. It asserted that being a paramount power it would not yield to the demand for the surrender of any offender, whether a British subject or not. From paramountcy flowed the power to compel one princely state to surrender offenders to another, and for this no extradition treaty was deemed essential. The extradition treaty concluded with the Nizam was revised in 1857; it was agreed between the two governments that "the provisions of the treaty prescribing a procedure for the extradition of offenders shall no longer apply to cases of extradition from British India to the Hyderabad state, but the procedure prescribed by the law as to the extradition of offenders for the time being in force in British India shall be followed in every such case."¹⁵ The opinion expressed by Aitchison on this point highlighted the attitude of the British Government of India on this important matter. He wrote : "The fewer extradition treaties executed in future with our feudatory states the better, they should be reserved for the independent states on our frontier..." He continued : "Our best policy is to have no such treaties with our feudatories, but depend on our position as the paramount power for enforcing our demands on them, and to trust to our own laws to enable us to comply with their fair and proper demand."¹⁶

Criminal jurisdiction over Europeans

As early as 1853 the Government of India had informed the ruler of Bhopal that only the Political Agent had jurisdiction over *European* British subjects. Even in Travancore, which had recognised precedents for jurisdiction over Europeans, the Government of India insisted that only European Magistrates should try Europeans. But jurists like Sir Henry Maine held that legally Travancore possessed every right to try Europeans, and no proclamation of Parliament could take away its

15 Aitchison, op. cit., Vol. IX, p. 110 (ed. 1903).

16 Office Note by Aitchison : J. C. (A), Aug. 1871. Nos. 17-27.

jurisdiction. Thereupon a compromise was reached by the Maharaja agreeing to appoint a European Magistrate for the purpose.¹⁷

In the case of *European* British subjects the laws of the princely states ceased to be effective. For instance, the Government of India never allowed an Englishman to be imprisoned¹⁸ or put to death in Kashmir or Udaipur for shooting a cow, although cow-killing constituted a capital offence under the laws of the states. "It would be impossible," observed Aitchison, "consistently with the retention of supremacy, to allow our countrymen to be tried on some trivial charge (such as killing a cow) and be subjected to some barbarous punishment, such as mutilation, by a tribunal whose proceedings afforded no guarantee for peace."¹⁹ The English law was exceedingly jealous of the rights and liberties of English subjects even in its homeland; it was only natural that it should be specially so in countries where there were no guarantees either for a fair trial or for a rational code of law.

Except for very trivial offences, a *European* British subject could only be tried by the High Courts at the Presidency cities for offences committed by him in a princely state. The jurisdiction of the High Courts over such offenders was defined in Notification of the Governor-General in Council, dated 10 January 1867.²⁰ By Act 11 of 1869, Section 61, power to commit them for trial was conferred on the Justice of peace in princely states. In these states an Englishman carried extra-territoriality with him. No princely court could try him, unless, indeed, his conduct was so flagrant that it would be scandalous to interest oneself in his behalf. The princely states were

17 Panikkar, *Indian States and the Government of India*, p. 93.

18 The very idea of incarceration of *European* British convicts in the

obnoxious atmosphere of the jails in the states and the supply of bad quality of food horrified the British authorities. "Not one of them, not even Travancore, has a prison in which a *European* would work out his punishment." (Office Note : J C.(A), Sept. 1870, Nos. 11-21).

19 Office Note by Aitchison : P. C. (A), June 1872, Nos. 195-201.

20 J. C. (A), July 1866, No. 2.

The following information was obtained from the files of the Department of the Interior, Bureau of Indian Affairs, at Washington, D. C., on the subject of the above-captioned matter:

[illegible]

directly concerned to give aid if required. It was also the duty of the state courts to consult that officer directly while dealing with an accused who claimed to be an *European* British subject, and to follow his advice. If the Political Officer concerned found that the offence with which the *European* British subject was charged was one against British law, he would as a rule require the transfer of the offender for trial by a competent British court; such an accused was not to be left to be tried by the state courts except under very special circumstances and with the express permission of the Local Government (or officer standing in the position of a Local Government).²⁶ But if the Political officer found the offence to be one against the law of the state, and not against British law, he would, after reference to the Local Government, decide whether in the particular case justice would best be done by leaving the offender to be tried by the state courts.²⁷

Similarly if an American or a Frenchman, who was not a British subject, committed a crime in a princely state and took shelter in British territory, and if his surrender was demanded by the state, there was the same objection to giving him up for trial and punishment under state laws as there was to giving up an Englishman.²⁷ Panikkar explains the general principle: "Just as the subjects of Indian rulers are under the protection of the British Government when in foreign countries, the subjects of other independent powers are diplomatically under the protection of British when in Indian states, and the British Government is answerable for their safety and security while sojourning and travelling through those states."²⁸ He continues: "This has been expressly recognised by the rulers. The Nizam in a Notification announced that in the event of any discussion or dispute arising among Europeans, the Resident at Hyderabad, or any other officer whom he may consider it desirable to vest

25 J. C. (A), Sept. 1873, No. 8.

26 Ibid.

27 J. C. (A), Aug. 1871, No. 25.

28 Panikkar, op. cit., pp. 92-93.

with the same authority, shall be empowered to enquire into and punish any such offences."²⁹

Criminal jurisdiction over "Native" British Subjects

As regards the "Native" British subjects the Extradition Act VII of 1854 made no distinction in religion, education and social habits between them and the subjects of princely states so as to justify the extension to them of the right of extra-territoriality to the same extent as the *European* British subjects. Every state that was really independent had, of course, a right to deal according to its own laws with persons resident within its jurisdiction, whether "native" or foreigner. But the despatch of the Court of Directors,³⁰ dated 1 June 1836, to the Bombay Government distinctly provided that "(Native) British subjects apprehended in the territory with which that offence is alleged to have been committed, are amenable to the jurisdiction of the tribunals established there." The Government of India, for a considerable period, never insisted on their exemption from the local Durbar courts when apprehended within the jurisdiction of the larger and more powerful princely states. In 1802 it was, however, resolved in respect of the states of Central India and Rajputana that Political Agents should have jurisdiction over all cases in which British subjects were either complainants or accused.³¹ A rule of this kind was specially felt necessary in respect of those petty states which had no great territorial independence and were required to refer all serious cases for the decision of the Political Agent. But the wisdom of working out the restriction in the bigger states (like Gwalior and Bhopal) which possessed great territorial independence was very much doubted, for this system might seem giving to a princely state by a British subject of an offence. The Begum of Bhopal remonstrated against his enforcement within the Bhopal state as

²⁹ Ibid. p. 31.

³⁰ Ibid. 33.

³¹ Memorandum No. 173, 23 April 1805. Despatch from the Secretary of

State, 1 Dec. 1805 No. 31.

the ground that it would be at variance with Article 9 of the treaty of 1818 which stipulated that "the Nawab, his heirs and successors, shall remain absolute rulers of their country, and the jurisdiction of the British Government shall not in any manner be introduced in that principally."³² She demanded the repeal or the modification of the Resolution in respect of heinous crimes committed by British subjects in her state on the ground that the act was at variance with the terms of an agreement entered into in 1847 between her and Captain Cunningham, the then Political Agent, under the authority of the Governor-General's Agent which made no distinction between criminals who were subjects of the Bhopal state and those who were subjects of the British Government and by which the latter class, if apprehended in British territory for offences committed in Bhopal, was liable to be surrendered by the British authorities for trial in the Bhopal courts and for punishment under the Bhopal law. The Begum argued that she always regarded herself and the Government of India as mutually bound by the said engagement, without reference to the nationality of the criminals; she considered that Article 9 of the treaty of 26 February 1818 in itself further entitled her to claim that all criminals in heinous cases against the Bhopal laws, who escaped from the state, should be seized on her requisition and surrendered for trial in the Bhopal courts.³³

The Government of India reminded the Begum that Article 3 which underlined the treaty of 1818 declared that "the Nawab and his heirs will act in subordinate co-operation with the British Government and acknowledge its supremacy."³⁴ She was told that the 9th Article had reference to the authority of the Nawab over his own subjects within his own territory, and not to British subjects. This was apparent, firstly, from the correspondence which took place when the treaty was concluded, and which showed that the object of the clause was to guarantee

32 J. C. (A) Sept. 1863, No. 43.

33 Ibid.

34 J. C. (A), Sept. 1863, No. 45.

to the Nawab that the British courts would not be introduced into his territories; and secondly, by the omission of all reference to certain offenders, who had a right to be tried in a certain form and under certain conditions, which the East India Company had no authority to compromise or to surrender. She was further told that the arrangement with Captain Cunningham was never sanctioned by the Government of India, and it contained a stipulation which was entirely inadmissible, viz. "that British subjects charged with offences in Bhopal, if arrested in British territory, shall be handed over to the Bhopal territories for trial and punishment;" but the British Government would not act upon that arrangement in so far as it was inconsistent with Article 7 of 1854 in the case of escaped offenders who were subjects of Bhopal.²⁵ "The Government of India "saw no reason.... to cancel or modify the Rule passed on the 23rd April, 1862." The Begum was, however, assured that "subject to the duty of maintaining the supremacy of the paramount power" the Government of India would "endeavour, by all proper means, to uphold the dignity and promote the interests of the state of Bhopal."²⁶

In order to allay the suspicions of the ruling chiefs the Government of India declared that it would not interfere with the powers of the princely states to try in their own courts "Native" British subjects who might be arrested in their territories, but it would empower Political Agents to try cases in which the offenders might be arrested in British territories. As the Political Agents were vested with the powers of a Magistrate which had already been given to the Justice of the Peace, their duties in respect of such trial did not in any way encroach upon the powers of the princely states or interfere with any authority which they already possessed; this arrangement merely facilitated the trial and punishment of offenders who too often escaped with impunity to the serious injury of the interests both of the subjects of the princely states and of the British border

districts. The Government of India observed : "The power to confer cognizance of crime committed in foreign territory is co-extensive with the power to affect the criminal by legislation, and as we have now the power to legislate for all our subjects in Native states, there seems no reason why we should not always adopt such measures as are necessary to give proper effect to our laws."³⁷ Under this arrangement the Political Agents would adhere in their proceedings to the procedure of British codes ; the Magistrates in the British territories would execute the warrants of the Political Agents and enforce the attendance of witnesses in the same way and under the same conditions as was done in respect of the orders of the British courts. This, it was hoped, would help check the commission of heinous crimes by British subjects in princely territories.

Criminal jurisdiction over subjects of Princely states

With regard to the demands of the princely states for the surrender of their own subjects or the subjects of neighbouring states who had escaped beyond the jurisdiction of the state making the demand, the Government of India had no reason to hesitate about giving up such men to be tried under the legal and administrative systems to which they had been accustomed all their lives, provided proper securities were taken for three things, viz. (i) an offender was not given up for a merely political offence ; (ii) the offence charged was of sufficient heinousness to make it right that the machinery of the Government of India should be put in force to bring the offender for punishment ; (iii) there was a *prima facie* reason to put the person on trial.

The Government of India saw no ground for hesitation in requiring one princely state to surrender to another princely state the criminal subjects of the latter, and to require it to punish its own subjects for offences in another state, if the case was deemed serious enough to require the interference of the British authorities.

There was one more category of cases to be considered. What steps did the Government of India take if a subject of one princely state, after committing crime in another princely state, took refuge in British territory, and if his surrender was demanded? The Government of India was in favour of giving him up. But again there arose the question whether he should be given up to his own state, or to the state in which he had committed the offence. The solution lay in giving discretion to the Magisterial officers to deliver him to the state by whom he was claimed; if claimed by both, the criminal might be delivered to the state in which the offence had been committed.³⁸

Maria Harvey's Case

Maria Harvey owned a piece of land at Alywe in the Travancore territory and with the permission of the *Sarkar* built a house there. In her complaint she stated that during her absence at Cochin some of her neighbours claimed a right of way which she disputed, and committed criminal trespasses on her property with a view to dispossessing her of her portion thereof. She said that the local authorities had not afforded her redress, that the Resident had referred her back to them, that a counter charge of obstructing a right of way had been laid against her by the parties against whom she complained, and that she had been summoned by the Sub-Magistrate in whose jurisdiction the property lay and the cause of complaint arose,³⁹ She however refused to attend; upon this the Magistrate issued a warrant to compel her attendance. Mrs. Harvey claimed to be exempt, as a *European* British subject, from the jurisdiction of the Travancore courts. She thought that a British subject as she was, she had the right, while obeying the Travancore court, to invoke the aid of the British Resident and it was the duty of the Resident to give aid if required.⁴⁰

38 J. C. (A), Aug. 1871. No. 25. From Secretary to Government of India to Actg. Chief Secretary to the Government of Fort St. George.

39 J. C. (A), Jan. 1847, No. 4.

40 J. C. (A), Jan. 1874, No. 13.

The Resident took a different view and informed her that she was in error in supposing that she was not amenable in such cases to the authority of the tribunals of the state in which she resided.⁴¹ He also pointed out that the Government (i.e. Government of Fort St. George) had no reason whatever to suppose that justice would not be administered by the Travancore courts in the case, adding that at that time there was no other court in Travancore which could adjudicate in such cases. The Resident further observed that the Political Agent, though a Justice of the Peace, had no delegated authority to act. Finally, the Resident advised Maria Harvey to attend personally or by *vakil* before the Magistrate, and, if dissatisfied with any Magisterial decision with regard to possession, to apply to the civil courts.

The Government of India was of opinion that the criminality involved in the case was little more than technical. The dispute was obviously one about title to property; each party did something which the other tried to represent as a crime. The character of the act depended on the question of title, and if the alleged criminal took a mistaken idea of his rights and so committed a crime, it was clearly a trivial case and the local tribunals were the fittest authorities to dispose of it.⁴²

Case of Bellew

The case of Bellew deserves consideration as it involved the important principle as to whether a princely state had power to try and punish a British subject without any reference to the Political Agent.

On 10 May 1871 one Bellew, formerly Assistant Apothecary in the service of the British Government and subsequently a photographer, addressed a petition to the Political Agent, Gwalior, complaining of illegal detention and oppressive treatment on the part of the Durbar police and officials at Gwalior. He represented that a few days previous to the date of his

41 J.C. (A), Jan. 1874, No. 11.
42 J.C. (A), Jan. 1874, No. 13.

petition he had arrived at Gwalior in the hope of procuring an appointment³ under the Durbār and had put up at a *serai* at that place. He reported that the day after his arrival at the *serai* a man suffering from sympathetic *Bubos* applied to him for aid. He recommended him to apply beeches. The following day "an arch traitor or a cunning knave" appeared at the *serai*, without any ostensible means of living, and said to him that the suffering man was living from hand to mouth and could not afford to pay for a dozen beeches. Bellew reported that humanity induced him to give the man a powder to combine with other "native" medicines to be smeared over the inflamed glands of the sick man to prevent the formation of pus. This individual, Bellew reported, instead of giving the medicine to the sufferer, prepared a concoction with the help of two others of his own stamp (a Parsi and a servant) who had been living at the *serai* for sometime and represented themselves as merchants without licenses or merchandize. After brewing the concoction for five days they represented to the police, with whom they appeared to be in league, that he had given one of them some energetic poison to administer to the Parsi to extort money, and accused two other gentlemen as being in league. The depositions of all three were taken; these were so contradictory that the most illiterate man could have detected intrigue. Doctors were sent for, and a portion of the harmless medicine was swallowed by them including Bellew. This had no bad effect on them. They were then asked to give Rs. 30 and the case would be compromised. Bellew declined to pay and upon his refusal he, along with other doctors, was placed in the blocks and the inhabitants were invited to come and see a christian in blocks. Bellew reported that they were not allowed to procure any necessities of life, but subjected to the most abominable degradation. Even when oppression failed to induce him to pay the money demanded for compromising the matter a *razinama* was presented. Bellew reported that he pleaded for

43 He was given to understand that the state was in need of a medical-man. P. C. (A), June 1872, No. 197.

conduct of the police, for it was not the investigation to which objection was taken, but the treatment of Bellew in being dragged from court to court and condemned to the stocks.⁴⁶ As to the statement that the Durbar was not officially aware of the orders of the Government regarding jurisdiction in the case of British subjects, the Political Agent admitted its correctness but argued that the Durbar was not unacquainted with them.⁴⁷ Indeed, it was incredible, the Political Agent stated, that for 10 years the Durbar should have remained in ignorance of the fact that the British Government claimed jurisdiction over its subjects, more specially when, as in the present case, a person known and styled a "Sahib" (Bellew was probably a Eurasian) was concerned. In such a case the Durbar authorities should have been careful not to overstep their jurisdiction, although there were doubtless many cases in which British "Native" subjects were tried and punished by the Durbar courts without any report being made to the Political Agent.

The case of Bellew reiterated the principle that the Government of India did not admit the right of any princely state to try *European* British subjects for offence committed in its territories. The attempt of the Gwalior Durbar to assume jurisdiction over *European* British subjects was negated as was done in the case of the Begum of Bhopal who had claimed similar power in 1863.

Liddell's Case

A heated controversy arose in 1868 as to the right of the Travancore state to try *European* British subjects charged with offences committed within the state.

The question came up in the case of one Liddell, an Englishman in the service of the Travancore Durbar, who was charged with the misappropriation of certain funds entrusted to him⁴⁸ to

46 P. C. (A), June 1872, Nos. 195-201.

47 P. C. (A). June 1872 No 196.

48 J. C. (A), Aug. 1871, No 17.

the extent of more than Rs. 15,000. This man was tried by a Commission⁴⁹ composed by Travancore officials and convicted of theft and fabrication of evidence. The conviction was affirmed by the Travancore Suddar Court and he was sentenced to one year's imprisonment.

Meanwhile Liddell petitioned to the Madras Government challenging the validity of the jurisdiction of the Travancore Court. The Advocate-General, on a perusal of the papers, arrived at the conclusion that, under the Notification of the Governor-General of India in Council, dated 10 January 1857, No. 221, in accordance with 28 Vict. 15 Cap., the objection raised by Liddell to the jurisdiction of the Travancore Court was valid, that his trial by the Court was illegal, and that he was entitled to release. In his argument the Advocate-General stated that the trial had taken place subsequently to the publication of the above-mentioned Notification as a Proclamation in the *Gazette of India* of 1867 (Page 36), conferring on the High Court of Madras original criminal jurisdiction over *European* British subjects of Her Majesty being Christians. The effect, he observed, was to put an end to the jurisdiction of the Travancore Courts over such British subjects, and to confer it on the High Court.⁵⁰ In his opinion, "the criminal jurisdiction over European British subjects hitherto exercised by the Travancore Courts does not appear to rest upon any treaty, but to have been ceded by courtesy and comity."⁵¹ It was true that through his residence in Travancore Liddell had consented to be bound by the laws of the state and to submit to the jurisdiction of its courts; but that undertaking was conditioned by the circumstances of the time at which it was given. "He could not forestall or exclude the operation of subsequent legislation which

49 The trial was conducted by a commission of three members including two East Indian gentlemen of superior position in the service of the *Sirkar*, being the second judge of the Appeal Court and the Conservator of Forests, and one Native Commissioner being the first Judge of the Alleppy District Court.

50 J. C (A), Oct. 1874, No. 24.

51 Ibid.

has now intervened to alter his status." It was open to the Travancore authorities to take the necessary steps for bringing him to trial before the Madras High Court on his being liberated from his present sentence. He could not on trial before the High Court successfully raise a plea that he was being tried twice for the same offence, for "such plea does not hold good where the court which first tried the accused was altogether without jurisdiction."⁵²

Sri Madhava Rao, the *Dewan* of Travancore, refused to recognise the views of the Advocate-General and he apprised the Resident that he desired to be heard on the question of jurisdiction of Travancore over *European* British subjects before the order of the Government for Liddell's release was carried out. In order to assert the jurisdiction of the Travancore courts over *European* British subjects residing in the territories of the state and for offences committed therein, the able *Dewan* used the following arguments⁵³ :

(i) First, the jurisdiction in question was an inherent right of sovereignty.

(ii) Secondly, the Travancore state being one ruled by its own ruler possessed that inherent right.

(iii) Thirdly, it had not been shown on behalf of the British Government that the Travancore state ever ceded this right, because it was never ceded. While elaborating this point the *Dewan* argued that the British Government had to enter into a special compact with the chief of Sandur (pertaining to the Madras District of Bellary) to obtain from him the right of exclusive jurisdiction to try certain *European* British subjects and their followers for offences committed in certain parts of Sandur. But no such compact was ever made with Travancore.

(iv) The *Dewan* also observed that the Advocate-General was wrong in thinking that the Notification extended the juris-

⁵² Ibid.

⁵³ Ibid, From the *Dewan* to H. Newill, British Resident at Travancore, 19 Oct. 1861,

diction of the British Government, and thereby circumscribed that of the princely states. He argued that the Notification did not seem to contain any expression conveying the idea that the Governor-General was assuming any jurisdiction beyond what he already possessed at the time of the Notification, or curtailing the jurisdiction then belonging to the princely states. The Notification did not mean to alter in any way the extent of the jurisdiction of either the British Government or of the princely states but simply distributed what jurisdiction then already belonged to the British Government among several British courts. Although the distribution altered the jurisdiction of the British courts among themselves, *i.e.* it probably extended the jurisdiction of British courts in proportion it reduced to that of others, but it did not affect the aggregate jurisdiction of the British Government in relation to that of each princely state. Thus Coorg, which was formerly under the jurisdiction of the High Court of Calcutta, was brought as a result of the Notification, under that of Madras. The *Dewan* further strengthened his cases by referring to the following categorical statement in a letter to the Government of India, dated 12 June 1837: "...it has been established as a rule by the British Government that Europeans residing in the territory of Travancore or other Native states, not being servants of the British Government, must be held to be in all respects and cases, civil and criminal, subject to the laws of the country in which they reside." Hence in the *Dewan's* opinion the Travancore court was within its jurisdiction by passing sentence on Liddel specially "when the British Government fully recognised the right of Travancore to try Europeans in its territories."⁵⁴

These views of Sir Madhava Rao were largely shared by the President, Lord Napier, who wrote an elaborate note discussing the matter practically from all points of view.⁵⁵ He expressed surprise how the state of Travancore, which previous to the pro-

54 J. C. (A), Sept. 1870, No. 18. From the *Dewan* of Travancore to the British Resident of Travancore, 19 Oct. 1868.

55 Ibid. Minute by His Excellency the President, 16 Nov. 1868.

clamation of the Governor-General in the Gazette of 10 January 1867, possessed the right of jurisdiction over *European* British subjects resident in, or travelling through, its territory, not being servants of the British Government, could be deprived of that right. That right, he observed, had already been recognised by the letter from the Secretary to the Government of India to the Secretary to the Government of Madras, dated 12 June 1837, as also by the letter from the resident to the *Dewan* of Travancore, dated 14 August 1837. This was a right which had never been qualified or impaired by any subsequent communication.

The Proclamation of the Governor-General in Council regarding the Madras High Court's original jurisdiction over *European* British subjects of Her Majesty, being Christians resident in Travancore, did not specify the class of offences and the circumstances which were covered by it. There was not a word in the Proclamation pointing to the limitation, or abrogation of existing rights of 'Native' jurisdiction.

Napier argued that the terms of the Proclamation had, in fact virtually and mainly reference to particular cases, or to *European* British subjects, being Christians, in general. Therefore it seemed strange to him how the provisions of the Proclamation could be carried into effect without preliminary negotiation with the Government of Travancore, for the High Court possessed no agency in the territory of Travancore by which the first step of its jurisdiction could be exercised. He did not conceive it possible that the Supreme Government would desire the Government of Madras to enforce the surrender of a criminal under the lawful jurisdiction of the sovereign of Travancore without previous agreement and against the wishes of the best and most enlightened Indian princes. He refused to believe that the Supreme Government, if it had the power and desire to annul and destroy the jurisdiction of the sovereign of Travancore, would propose to do so without consulting the Government of Madras, which was so deeply interested in the concern of that State and which had no reason to complain of the manner in

which jurisdiction of its courts had been exercised over *European* British subjects,

Finally he spoke highly of the judicial organisation of Travancore: "The Government of Travancore is administered under a very intelligent and gentle prince by a small circle of able functionaries, who either have been bred in the schools and public offices of Madras, or who have imbibed at home the knowledge and principles inculcated here. They are proud of their state, and zealous for their state. The Court of Justice have been placed on a most respectable footing. The Indian Penal Code is substantially administered with some local adaptations. The High Court of the state, composed of four judges, is presided over by a learned judge, who is a subject of the Queen..." "To curtail the jurisdiction of the Travancore courts," he feared, "would imply that they do not do their duty, which would be most unjust. To him 'it would be tantamount to a condemnation of justice. It would be a discouragement to the functionaries of Travancore. It would be a humiliation to the prince.'" In the opinion of Napier the proposed change would not be "salutory, or useful, either to Travancore or to the British subjects resident in its territory." The transfer of this branch of jurisdiction to the High Court at Madras would "gratuitously impose upon the High Court an accession of business which it can ill-afford to undertake, and on the Travancore authorities an amount of trouble and expense as prosecutors which would be vexatious and onerous."

The position assumed by Madhava Rao on behalf of the ruler of Travancore was upheld and strengthened by one of the ablest members of the Madras Bar, J.D. Mayne⁵⁶, and was fully concurred in by the members of the Madras Government, who, upon the representation laid before them, countermanded their demand for Liddel's release. While stating that the Travancore Courts had jurisdiction over Liddel in respect of the offence charged against him, Mayne referred to Article 9 of the treaty of 1805 which bound the Raja "to pay at all times the

utmost attention to such advice as the English Government shall occasionally judge it necessary to offer to him with a view to (*inter alia*) the administration of justice." But he strongly expressed the opinion that this did not entitle the British Government to supersede the Raja's courts, or to deprive him of any part of the jurisdiction which by the Law of Nations they possessed. In his opinion the Proclamation only took away from other High Courts jurisdiction over such *European* British subject as were resident in Travancore and conferred the same upon the Madras High Court; this was done without taking away any portion of the jurisdiction which Travancore possessed before the issue of the Proclamation.

The members of the Madras Government were fully convinced with the position assumed by Madhava Rao, Napier and Mayne and they too countermanded the demand of Liddell's release.

Even the Advocate-General, on further consideration and with the advantage of weighing all that had been urged by the President (*i.e.* Napier) and the members of the Madras Government, the *Dewan* and Mayne, admitted the error of the opinion he had previously expressed on a misconstruction of the Notification⁵⁷. His revised opinion was that the Notification was intended to redistribute the existing jurisdiction of the several High Courts, without taking away any right from the princely states, and without conferring upon the High Courts any portion of the jurisdiction which the princely states possessed before the issue of the Notification. He further held that the sovereign of Travancore possessed criminal jurisdiction over Christian *European* British subjects for offences committed by them within his territories. He finally concluded that the trial of Liddell by the Travancore Court was legal and therefore he ought to be left to undergo the remainder of his sentence. Upon this the Madras Government declared that it had no reason to question the legality of the sentence passed on Liddell by the Travancore court.⁵⁸

57 Ibid. Opinion of the Advocate-General, 7 Dec. 1868.

58 J. C. (A), Sept. 1870, No. 21.

The controversy raised by Liddell's case did not end here. In 1871 the Government of India adopted a Resolution declaring that "no Native state can be allowed to try a European British subject according to its own forms of procedure and punish him according to its own laws."⁵⁹ Northbrook, the Governor-General, thought that jurisdiction over *European* British subjects was "a matter upon which the exercise of the rights of the Paramount power is fully justified," and that the British Government might with justice refuse to admit the jurisdiction of any princely state provided such jurisdiction had not been conceded by treaty.⁶⁰ Two years later the Duke of Argyll, the Secretary of State, concurred in the views of the Government of India expressed in the Resolution.

In the case of Cochin the *Dewan* took the same line of argument in defence of the state's jurisdiction over *European* British subjects as Sir Madhava Rao had previously adopted. He expressed the view that princely governments would feel the withdrawal of jurisdiction as an interference with what they deemed their prerogative.⁶¹ With a view to bringing about a settlement of the controversy the Resident proposed a compromise, revised by the Madras Government, in the following terms: "...the Sarkars and not the British Government shall appoint Magistrates who shall be European British subjects for the trial of all cases in which European British subjects are ~~defendants~~, and which are triable by a Magistrate of the 1st class under our code. In other cases, these same Magistrates being always invested by the Governor-General in Council with the powers of a 1st class Magistrate and Justice of the Peace for the province shall commit the accused, when a ~~warrant~~ is called for to the High Court of Judicature at Madras. The ~~Magistrate~~ recommended by the Government of India to the consideration of the Government of India."

59 J. C. (A), Aug. 1871, 352-3.

60 K. W. J. C. (A), Sept. 1871, 111-112.

61 J. C. (A), Oct. 1874, 37-38.

62 K. W. J. C. (A), Dec. 1874, 111-112.

The Government of India was aware of the efforts made by the governments of Travancore and Cochin to conduct the judicial administration on enlightened principles. So the proposed arrangement was approved, "subject to such control as the Resident has hitherto exercised and such advice as he is empowered by treaty to offer." It was, however, liable to revision "if at any time the European Magistrates of Travancore and Cochin courts in the exercise of the jurisdiction over European British subjects as above conferred fail to give satisfaction to the British Government."⁶³ The Government of India thus recognised, with reservations, the right of exercising criminal jurisdiction by Travancore and Cochin over *European* British subjects committing offences within their territories.

Extension of British jurisdiction

The British Government actually exercised an extended jurisdiction in princely states in certain matters though it gave the princes the solemn assurance of not extending or introducing British laws in their states. Thus the Slave Trade Act of 1876 (39 and 40 Vict. Cap. 46) enacted by the British Parliament stipulated "that subjects of Indian princes committing certain offences on high seas should be punished so far International Law was concerned, because the subjects of Indian princes outside their own territory are considered to have the duties, obligations and rights of British-born subjects."⁶⁴ Similarly the extraterritorial jurisdiction of the Government of India regulated Indian Marine and Merchant shipping. Speaking on the nature of extraordinary jurisdiction Lee-wan-ner observes : "... the so-called extraordinary jurisdiction does not pretend to be based on right or delegation ; it rests upon an act of State and defies jural analysis. In such cases the Government of India interferes with the authority by virtue of its paramount power, and it does not cloak its intervention, or weaken its authority by straining legal ties, or misapplying legal phrases which are devised for a totally different

63 J. C. (A), Oct. 1874, No. 30.

64 Panikkar, op. cit. pp. 98-99.

set of conditions.”⁶⁵ The Jarega nobles of Kutch and the feudatory states of Kolhapur were subject to British jurisdiction and this power was derived either by treaty or delegation or tacit consent or long usage.

The British Government also exercised another type of extra-territorial jurisdiction over the whole judicial system in princely states which was based on the executive authority of the Governor General in Council. This type of jurisdiction was largely exercised in Kathiawar, Mahikanta and other places where the conflicting jurisdiction of the petty chiefs made rational judicial administration impossible.⁶⁶ This extended jurisdiction was finally legalised by the passing of the Foreign Jurisdiction Act of 1879 which had the following declaratory preamble: “Whereas by treaty, capitulation, agreement, grant, usage, sufferance and other lawful means, the Governor-General of India in Council has power and jurisdiction within diverse places beyond the limits of British India...”⁶⁷

Again, in India, as in Germany, no Imperial judicial organisation developed whereby an appellate and supervisory jurisdiction could be exercised over all the princely states. But in Rajputana “the rivalry of the Rajput rulers and the absence of modernised codes of law and judicial institutions”⁶⁸ gave rise to a new type of British court, the court of *vakils*, for providing fair trial and due punishment to offenders.⁶⁹ The Political Agent presided over, guided and controlled the court. This common court, or to use the words of Panikkar, the Agency court or “international tribunal,” was organised without obvious infringement of the sovereignty of the states. The envoys or *vakils* acting as the representatives of the chiefs formed the court of Appeal. The jurisdiction of the court was confined to securing justice for subjects outside the territory of their own chiefs,⁷⁰ while the Poli-

65 Lee-Warner, op. cit., p. 169.

66 Panikkar, op. cit., p. 94.

67 Lee-Warner, op. cit., pp. 175-176.

68 Panikkar, op. cit., pp. 94-95.

69 J. C. (A), April 1862, No. 63.

70 Panikkar, op. cit., p. 95.

tical Agent who presided over the court looked to the interests of the British subjects who might be brought before the court as of plaintiffs or defendants.⁷¹ In states where the right of capital punishment was exercised only with the permission of the Residents or Political Officers, or where the administration of criminal justice was actively supervised by them, the extra territorial jurisdiction of the Government of India silently intruded and constituted a fundamental part of the princely state constitution. The court of *yakils* exercised in Rajputana the functions of Magistrates to a limited extent as exercised by the Political Officers in Malwa and Central India.

The practice prevailing in Malwa since 1818 was to a certain extent exceptional and had worked well. It arose from the fact that at the time when British supremacy was established in Malwa, the Marathas and the Pindaris had brought the country to a state of anarchy. The strong hands of the British Government redeemed it from that condition through the powers exercised by the Resident at Indore and the Political Agents in Eastern and Western Malwa acting under the orders of Sir John Malcolm.

A perusal of Malcolm's report shows that under the Marathas—as under the Mughal *subahdars*—the petty chiefs in Central India exercised but limited powers in their respective territories. It was therefore in harmony with old usage, and quite natural, that on the establishment of British rule, the Chiefs should have recourse to the Resident, and Political Agents who had replaced the *subahdars* and had far more power to enforce order and put down violence. The treaties, engagements and agreements—amounting to a hundred upwards—made with the rulers and chiefs of Malwa and adjoining provinces were in consonance with this tradition. The position thus secured to the British Government was that of “the acknowledged preservers of peace, and consequently the arbiters of all differences and disputes by which it can be disturbed.” Another effect of these treaties etc. was that they stripped Sindhia and Holkar of all pretensions to supremacy over their tributaries and dependants, whether *Gras*

sias, Rajputs or others. These conventions were made with the concurrence of the parties concerned, and at a time when in consequence of long protracted anarchy they were in sore need of British protection. "From the highest Maratha ruler to the leaders of freebooters, all have been alike compelled by necessity, and by a total want of confidence in each other, to appeal to a common superior on whose good faith they reposed and whose strength they dreaded."

After the establishment of British supremacy the Political Agents had to struggle against the tendency to overwhelm them with references. Not only every serious commercial case, whether inter-jurisdictional or not, came before them, but every petty jurisdictional case also. The chiefs were heads of police and much like the Justice of Peace. The Political Agents were Magistrates with very large powers, and the Resident a high ranking judiciary to whom the Political Agents referred in cases of capital punishment.

Modifications were gradually introduced as the country became more settled, and the authority of the chiefs in their own jurisdictions became, under the support of the British Agents, more effective. But still the system in Malwa was very different from that which obtained in Rajputana, where the representatives of the British Government had to deal with substantive states, larger jurisdictions, and administrations which had vitality sufficient to preserve their countries from anarchy which prevailed in 1817 in Malwa.

In Malwa, the Political Agent, as representative of the British Government, was vested with Magisterial powers to a limited extent. The procedure adopted in 1818 continued even after the *Pax Britanica* was firmly established. Offenders of whatever state or province they might be subjects—were arrested on the requisition of the Political Agent and sent to him for trial. But in Rajputana the courts of *vakils* exercised the functions held by Political Officers in Central India. In the case of substantive states like those of the Sindhia and Holkar, it was only when offenders were of one and plaintiff of another state that the Poli-

tical Agent or Resident, as the representative of the paramount power, adjudicated the case. This also happened when the chiefs, though feudatories of some higher princely state, had conventions with the British Government and were not under the executive jurisdiction of the higher state. The chiefs who did not have the power of life and death referred all cases, whether inter-jurisdictional or not to the Political Agent.

Cantonment jurisdiction

The British Government was entrusted with the defence of the whole of India and therefore, it had the absolute right of occupying any military position it deemed necessary in any of the protected states. Lee-Warner observes : "All the states of India have delegated to the paramount power the duty of defending them and consequently they are obliged to grant to the Imperial army the right of cantonment and an effective control over the railways, Imperial post offices and Imperial roads."⁷² The first step which the British Government took on the occupation of land was to mark off the area of cantonment and define its limits. As soon as this was done the state government ceased to exercise any sovereign functions over the area ; "for the efficiency and safety of the army"⁷³ the British Government asserted full jurisdiction over persons and things within the cantonment, and the chief was never consulted as to the measures which the Government of India considered necessary for the administration of the cantonment. As the Indian Legislature was not legally competent to pass laws for subjects of a foreign state the Governor-General in Council used its executive authority to frame rules and regulations and set up cantonment courts to dispose of all cases involving ordinary crimes as also offences relating to the violation of military discipline in which the inhabitants or army personnel of the cantonment became involved. If they were not already, as British subjects or servants of the crown, amenable to the laws of British India the Governor-

72 Lee-Warner; op. cit., p. 167.

73 Ibid. p. 182.

General in Council acting under the Foreign jurisdiction Act, brought them within the operation of those laws. The Governor-General in Council also determined the authority of the courts and the procedure they were to follow. The princely states had no powers to challenge the decisions of the cantonment courts.

Even while the cantonment was filled with British troops and the jurisdiction of British laws and courts was effectively established there, its foreign character was not lost. Two things deserved to be mentioned. Cantonment areas were generally immune from annexation. Secondly, state laws and jurisdiction remained inoperative, but the sovereignty of the ruler of the state still survived, "although latent and suppressed for the time being."⁷⁴ Naturally the reversionary right of possession in the event of the withdrawal of the British garrison remained with the state. The Gwalior fort, since its occupation by Captain Hugh Rose, was used as a military base of the British Government and the Sindhia had no jurisdiction over it. But it automatically came in his possession when the garrison was withdrawn in 1885. In the case of Mysore the Instrument of Transfer (1881) reserved very clearly the right of British jurisdiction in the cantonment to which "His Highness was to make no objection." The question of cantonment jurisdiction was more or less International in character. Similar was the case within the Residency and the areas attached to it.⁷⁵ This too was governed by the principle of International Law and the state authorities were forbidden to interfere with, or encroach upon, the affairs of the Residency.

SOCIAL REFORMS

Besides political grounds the British Government interfered in the internal affairs of the states on grounds of humanity and public morality. The states were generally backward and the wave of the modern enlightened spirit was yet to influence the habits and manners of the people. Life in the Indian states, with the exception of a few, was sterile and full of superstitions and in such surroundings all sorts of obnoxious, inhuman and bar-

74 Lee-Warner, op. cit., p. 361.

75 Panikkar, op. cit., p. 96.

barous social practices, such as *Sati*, *Samadh*, meriah sacrifices, female infanticide were widely prevalent. Modes of inflicting punishment on offenders were equally detestable and torture and mutilation were freely used either for extracting confession or for punishing offenders. The princes did not care to take concrete measures to stamp out these practices. Rather they were committed under their blessings and sometimes they were party to such revolting crimes. The British Government, since the days of its coming into touch with the princely states, was shocked to notice the prevalence of these horrible inhuman practices and was eager to do away with them. But it was aware that these practices were so deeply rooted in the religious sentiments and habits of the people that they could not be eradicated overnight by any rash policy. A slow policy of persuasion backed by firmness was adopted to achieve the object, and where persuasion failed the British Government did not hesitate to interfere in a more or less forcible manner to prevent the continuance of the abominable practices.

Among the barbarous social practices mention must first be made of *Sati*, or the burning of widows on the funeral pyres of their deceased husbands. It was considered as an ancient Hindu rite and although it was doubtful whether the practice was recognised by Hindu scriptures, yet it was long in vogue in Hindu society throughout India. The custom was not always confined to widows; concubines frequently immolated themselves, and mothers had been known to burn on the death of their only sons.⁷⁶ Tod tells us the story of a virgin-*Sati* which took place in Bumaoda, a fief of Mewar. A prince of Chitor, who was the bridegroom, "broke off the nuptials . at the very moment of *hataili* which meant the junction of hands." The bride's father flew to arms to avenge this insults. In the combat that followed he and the prince were wounded and killed. Funeral pyres were prepared; on one was placed the prince of Chitor and his virgin bride.⁷⁷

76 G. C. (A), Aug. 1867. No. 47, Para 61. Rajputana Administration Report for the years 1865-66 and 1866-67.

77 Tod, *Annals and Antiquities of Rajasthan*, Vol. ii, pp. 653-54.

The Company's Government abhorred these cruel practices but it was unwilling to interpose authoritatively to abolish them lest its attempt should be treated as interference with the Hindu religion. It was only in 1829 that Lord William Bentinck, in his bid to stop *Sati*, adopted strong legislative measures. He stigmatised *Sati* as "culpable homicide"⁷⁸ and prohibited the practice in the Bengal Presidency. But this writ did not operate in all parts of India and the custom continued unabated "under the shelter of the Native states."⁷⁹ The unfinished task of Bentinck was taken up in right earnest by the Government of the Company during the next twenty five years, basing its action upon Bentinck's conviction that "the paramount dictates of justice and humanity demanded the eradication of those practices revolting to the feelings of human nature" which were not sanctioned by the Hindu religion as an imperative duty.⁸⁰ Among succeeding Governor-General the most vigorous steps in this direction were taken by Dalhousie.

The most pertinent question connected with *Sati* was whether the practice was really voluntary or in sincere response to spiritual and religious call. More often than not widows were persuaded, and where persuasion failed, forced by relatives and neighbours to mount the funeral pyres. Sometimes a reluctant widow was rendered intoxicated by the application of liquors or drugs and then pushed towards the funeral pyre by the bystanders with beat of drums attended with religious songs sung in chorus. That the rite was not voluntary may be attested to by many recorded instances, At Poona a widow, defying the insistence of the spectators, again and again escaped from the funeral pyre.⁸¹ On 8 October 1859 the officiating Agent in Marwar reported that a widow of 11 had immolated herself on the funeral pyre of

78 Lee-Warner, op. cit., p. 304.

79 Ibid. p. 304.

80 Quoted in Thomas A. Metcalf, *op. cit.*, p. 21, *Regulation prohibiting Sati*, 4 December 1829.

81 Ballhatchet, *Social Policy and Social Changes in Western India*, 283.

her dead husband.⁸² It will be a travesty of truth to believe that a girl of eleven, who was almost in her teens, would have agreed to burn herself in the flames of her deceased husband's funeral pyre. Stigmatising it as "the most atrocious," the Secretary of State for India observed to the Government of India that "it can scarcely be that so young a child could have spontaneously sacrificed herself ; in such a case it is only reasonable to conclude she must have been forced to commit the sacrifice, and those who did so or permitted it, are guilty of a very grave crime."⁸³ Commenting on the occurrence of a *Sati* in Alwar Sir Charles Wood, the Secretary of State, in his despatch to the Governor-General of India in Council remarked : "...it is suspected that the sacrifice was not voluntary. The victim was not a favourite wife of the deceased, but had lived for several years separate from him. It is therefore, presumed she was sacrificed lest she should interfere with the interests of other widows."⁸⁴ Interested and avaricious relatives or neighbours, who had an eye on the deceased widows' property, sometimes compelled them to sacrifice their lives, for they apprehended that the presence of the widows might stand in the way of satisfying their greed. Again many widows unwillingly immolated themselves for they did not have the courage to withstand the social disgrace which would be hurled on them for their refusal to honour the custom to which Hindu society clung so tenaciously. The taunting and insulting epithets of neighbours or relatives made their lives troublesome and they were even socially boycotted. Under such circumstances they preferred death to an ignominious survival. Besides, the thought of inadequate or uncertain future provisions sometimes induced them to court death by immolation. "The most painful reflection in connection with Sutee is that in many cases the sacrifice is not voluntary, the victim being unwillingly urged to the act of suicide... Now and again doubtless it may happen that a favourite wife or concubine, being by the demise of the lord and master deprived

82 P. C. (A), April 1861, No. 297.

83 Political Despatch from the Secretary of State, 27 Jan 1868, No. 87.

84 Political Despatch from the Secretary of State, 10 Feb. 1861, No. 20.

of all she cares to live for, may in all sincerity desire to evince the earnestness of her devotion by laying down her life. But as a general rule, there is strong reason to believe that the victim is sacrificed, not to the despairing dictate of love and affection in its deepest grief, but is induced to self-immolation to maintain a time-honoured custom, and that the family of the deceased may be enabled to bestow how honourably and faithfully the last rites were performed.”⁸⁵

The Government of India placed interdiction on *Sati*, *Samadh* etc. and declared the perpetrators of the crime as offenders deserving serious punishment. The chiefs of Rajputana and Central India were at once acquainted with this stand of the Government of India.⁸⁶ But far from discouraging the inhuman rites the rulers were even averse to penalise the abettors except in those cases where the British Government insisted on punishment. Observing on the frequency of *Sati* and *Samadh* in Rajputana Sir Charles Wood remarked : “The measures of the Native chiefs for the punishment of the abettors of the offence appear to have been feeble in the extreme. In no one instance do the offenders seem to have been punished in a manner at all adequate to the crime they had committed.”⁸⁷ The officiating Agent to the Governor-General for the states of Rajputana regretted that most of the chiefs of Rajputana were not earnest to meet the wishes of the British Government for the abolition of the horrible rite of *Sati*. But thanks must be given to the Maharaja of Kota and the Rana of Jhalwar who, at the instance of the Political Agent issued proclamations prohibiting *Sati*, *Samadh* and infanticide etc. and warned the abettors to desist themselves from their course of action.⁸⁸ The Rao Raja of Bundi also followed suit.⁸⁹ But the Maharana of Udaipur gave deliberate countenance to those cruel practices and baffled every effort of the British Government to

85 G. C. (A), Aug. 1867, No. 47. Administration Report of Rajputana for 1865-66 and 1866-67. Para 62.

86 G. C. (A), Jan. 1862; No 93.

87 Political Despatch from the Secretary of State, 31 July 1861, No. 97.

88 P. C. (B), May 1862, Nos. 15-16.

89 Ibid.

put a stop to these horrible rites. Sir Henry Lawrence reported that the Maharana of Udaipur justified *Sati* as a holy and ancient rite, and as having so strong a hold on the religious feelings of his people as to render it difficult for him to forbid and impossible to prevent it.⁹⁰ In November 1859 the officiating Agent reported that the widow of the Maharana's brother had committed *Sati*, and that, in reply to his remonstrance, the Maharana had stated that he could only assist in making known the wishes of the British Government, but could not inflict punishment on any of the abettors, and further argued that the Queen's Proclamation definitely prohibited interference with the religious observances.⁹¹ The expression of this view led to the exchange of a lengthy and acrimonious correspondence between the Maharana and the Government of India. The contumacy of the Maharana of this question so much irritated the Government of India that it threatened to reduce his salute and drop his title and a *Kharita* containing the threats was actually drafted, though not issued.⁹²

Although the frequency of *Sati* and other cruel rites had comparatively diminished, yet the complete abolition had not been secured. Amongst a large class of the community in the territories of the chiefs and thakurs such practices were still regarded as praiseworthy. Tod points out a peculiar consequence of *Sati* in Murlah of Mewar arising out of a civil war among the local inhabitants caused by the subdivision of lands which constituted a violation of the agrarian laws of the state. Many inhabitants of Murlah were killed and "the wives of the combatants who were slain ascended the funeral pile; and to prevent a similar catastrophe, imprecated a curse on whomever from that day should cultivate a field in Murlah; since which the land has lain in absolute sterility! Such is the implicit reverence for the injunction of a *Sati*; at this moment of awful inspiration, when about to take leave of the world. In Mewar, the most solemn of all customs is that of *Sati*. *Maha-Sati*-*Ca-ah*, 'by the great Satis,' is

90 P. C. (A), April 1861, No. 287.

91 *Ibid.*

92 *Ibid.*

an adjuration frequently used in the royal patents.”⁹³ Colonel Lawrence thought that “until the British Government should step forward and make known once for all its determination to insist the severe punishment of every official abetting the commission of these crimes, the states of Rajputana should never be free from them.”⁹⁴ The Government of India first urged upon the chiefs of Rajputana to take serious steps to forestal the perpetration of these heinous practices. It had already instructed its Political Officers to use their best endeavours to wipe them out. Besides it revived the policy which Elphinstone and Malcolm had introduced in grappling with the issue in Konkon. For the success of their crusade against *Sati* both of them had enlisted the support of local influential men including priestly classes and the result was on the whole salutary. As per instructions of the Secretary of State the Government of India instructed its Political Officers, besides exerting their best endeavours, to use their influence upon responsible men of their respective states for the abolition of these customs.⁹⁵

It is difficult to ascertain how far this policy had succeeded in mobilising public opinion in the unconquered territories of the princely states ; indeed, the adoption of harder steps, such as fines, forfeitures, reduction of salutes etc., tend to indicate in the negative. Soon it was reported by the Political Agent, Governor-General for Rajputana, that on the death of the son of thakur Bechawara in Dungarpur, the deceased's widow was allowed to mount the funeral pyre.⁹⁶ He further reported that the ruling thakur Swarup Mal and two Brahmins helped the widow to sacrifice her life. This occurrence of *Sati*, despite the specific prohibitory order of the British Government so enraged the Agent that he proposed “to punish with imprisonment, or fine the other culprits and recommended that such portions of the thakur's estate as the Political Agent, Mewar may recommend,

93 Tod op. cit., Vol. ii, p. 541.

94 G. C. (A), Dec. 1861, Nos. 81-82.

95 Political Despatch from the Secretary of State, July 31, 1861, No.97.

96 G. C. (A), April 1862, No. 23.

be confiscated for his present flagrant misconduct, not only on account of his general defiance of authority, but because...upholding these atrocious practices despite of warning, remonstrance and punishment."⁹⁷ Again on the death of the Rana of Udaipur, one Gopal Doss and the thakur of Asind personally approached the Ranis and the slave girls to perform self-sacrifice to preserve the honour of the Sisodia tribe, the chief of which had never burnt alone, but one and all positively declined—only a favourite slave girl responded.⁹⁸ The British Government looked upon the conduct of the principal abettors of this crime in a very serious light. Gopal Doss was punished for his crime. He was removed from the capital and the Regency Council confiscated his two villages. The thakur of Asind was prohibited from entering the capital during the minority of the Rana.⁹⁹

In Central India, the Political Assistant of Bundelkhand reported the occurrence of a *Sati* in Bijawar state.¹⁰⁰ Four of the abettors of this act had been held guilty. They were imprisoned at Agra for a period of eight years and the whole of their lands confiscated,¹⁰¹ and at the strong representation of the Political Assistant the chief of Bijawar issued a proclamation prohibiting the commission of the crime.¹⁰² Again the same Agent reported that another *Sati* occurred in Samthar and the Rani (she was then running the administration on the death of her husband), though aware of the intention of the widow, did nothing to prevent her from the step.¹⁰³ This action of the Rani, the Agent thought, was quite contrary to the promise given by the late chief, and he proposed to the Government of India to take the administration from the hands of the Rani for giving countenance to the sacrifice. But the Government of

97 G. C. (A), April 1862, No. 22.

98 G. C. (A), Aug. 1867, No. 47. Administration Report of the Rajputana States for 1865-66 and 1866-67. Para 63.

99 Political Despatch to the Secretary of State, 8 May 1862, No. 59.

100 Part (A), Aug. 1861, No. 236

101 Part (A), Aug. 1861, No. 238.

102 Ibid.

103 Political Despatch from the Secretary of State, 9 Aug. 1861, No. 102.

India disavowed such an extreme step specially when the general administration report of the state was fair. The Secretary of State entirely concurred with the stand taken by the Government of India.¹⁰⁴

It is more or less clear that *Sati*, as a social custom, did not totally disappear despite the best exertions of the British Political Officers. The lukewarmness on the part of the chiefs may be considered as one of the causes. The age-old customs could be set aside only through enlightenment derived from education. The process had to be reinforced by the close cooperation of the chiefs along with threats of severe punishment on those connected in any way with those rites. Education in the Indian states with the exception of a very few, was in a very lamentable condition ; but its growing influence in the neighbouring British territories had some impact on the minds of the people of the states. Some of the chiefs responded favourably to the call given by the British Government for the suppression of the heinous offences by issuing Proclamations. The result was satisfactory in states where the rulers were personally vigilant.

Among the rulers the young chief of Alwar, trained under British supervision, gave outstanding proof of cooperation and sincerity for the eradication of the evils. He issued a Proclamation for the suppression of *Sati* and *Samadh* and threatened severe penalties against all offenders.¹⁰⁵ Not content with this the young chief summoned all the thakurs at the Durbar.¹⁰⁶ At the meeting the chief evinced "not only the abhorrence with which the British Government regarded this barbarous rite, but also his firm determination to suppress it."¹⁰⁷ At this meeting each thakur and *Jagirdar* "gave a personal bond pledging not to allow the commission of the crimes within his jagheer, agreeing to take every precaution to prevent their occurrence and expressing his willingness to be liable to any punishment

104 Ibid.

105 P. C. (A), June 1862, No. 22.

106 G. C. (A), Feb. 1864, No. 150.

107 G. C. (A), Feb. 1864, No. 151.

which the Durbar might deem fit to inflict on him in the event of the occurrence of such crimes within his jagheer."¹⁰⁸ The British Government derived maximum cooperation from those states which were administered by Regency Councils. The Regency Councils virtually owed their existence to the British Government; their members were mostly chosen by it, and in majority cases they were presided over by British Political Officers. Hence it is quite natural that British influence would be preponderant there and the Government of India would be in a position to enforce its policy more rigidly than in states where its control was indirect.

The Mewar Regency Council which was constituted on the death of Rana Swarup Singh who had given deliberate countenance to the commission of the barbarous rite issued a proclamation,¹⁰⁹ addressed to all chiefs, *Sirdars*, *Jagirdars*, *Bhumias* and *Patwaris* etc. declaring definite prohibition of *Sati* and asking the chief of the village or his agent to "make every effort in his power by assurance and the exercise of his own proper authority to prevent the commission of the crime, and by no means to allow the sacrifice to take place."¹¹⁰ The Proclamation stated that "if any person shall be remiss, or shall assist on such occasions and will not check it, he shall in excess of the punishment...suffer heavy fines and strict imprisonment."¹¹¹

The exercise of personal exertions and vigilance by the chief accompanied by threats of severe punishment produced favourable results. People addicted to the practice of *Sati* realised the severe consequences which would befall them for violating the orders contained in the Proclamations and the dread of fines, forfeitures, dispossession of villages or *Jagirs* and imprisonment acted as sufficient deterrent to these horrible practices including *Sati*. From an examination of the official records it

108 Ibid.

109 G. C. (A), May 1862, No. 80

110 Ibid.

111 Ibid.

has been seen that after 1870's the occurrences of *Sati* in the states of Rajputana and Central India were few and far between. But isolated cases were still taking place and where the abettors were detected they were treated with utmost strictness. A case of *Sati* took place in Bikaner in August 1865 and the Maharaja reported to the Governor-General's representative in Rajputana that the parties implicated in the case had all been apprehended. Some of the offenders were imprisoned, others dismissed from the service of the state ; some were deprived of their respective estates and others fined according to their means.¹¹² On 9 October 1868 the Officiating Political Agent, Mewar, reported to the Agent, Governor-General for Rajputana that a woman had immolated herself with the corpse of her husband.¹¹³ As soon as the news reached the Durbar the Maharana took the promptest action by sending a detachment of troops under an officer "with orders to arrest and bring as prisoners to Odeypur all who were in any way concerned or connected with the occurrence."¹¹⁴ He reported that 68 persons were captured and brought to the capital for trial. They were found guilty and various terms of imprisonment were inflicted on them. The severity of the punishment was later reduced on instruction from the Government of India which considered that lengthy detention would impoverish the offender's families and excite much ill-feeling at large,¹¹⁵ but the Government of India "expressed satisfaction at the energy and promptitude which had been displayed by His Highness the Maharana in arresting all who were connected with the crime."¹¹⁶ Again, the Political Agent, Jaipur, reported to the Agent, Governor-General, for Rajputana the occurrence of a case of *Sati* within the jurisdiction of the Khetri chief (a tributary of the Maharaja of Jaipur).¹¹⁷ The Government of

112 J. C. (A), Aug. 1865, No. 21.

113 J. C. (A), Jan. 1869, No. 29.

114 Ibid.

115 G. C. (A), Jan. 1869, No. 29.

116 Ibid.

117 G. C. (A), Jan. 1873, No. 61.

India took a serious view of the case. The chief instigators had been sentenced to three years' imprisonment with hard labour. Besides, there was confiscation of property in case of a person who was implicated in the case but evaded arrest. The hamlet of Manata, the place of occurrence, had been fined Rs. 1,000/- and eleven of the hamlets had been fined Rs. 100/- "in consideration of the Sutee not having been prevented by those who were present."¹¹⁸ The *Thanadars* of Singhana Pargana had also been fined Rs. 25/- each for want of vigilance in their charges. Even the Raja of Khetri was not allowed to go unpunished. The Jaipur Durbar had inflicted a fine of Rs. 100/- on him for negligence on the part of the Khetri officials to report the matter to the Durbar and for the high-handed attitude of a Khetri officers on the question of surrender of a few persons connected with the crime.¹¹⁹ The Raja of Panna, who was "keenly alive to the horrors of infanticide and Sutteism," had punished the family in which the *Sati* occurred by imprisonment and resumption of villages.¹²⁰

The severity with which the crime was dealt with was enough to restrain the instigators of the practice. The rulers and the princes now began to consider themselves responsible for repressing every attempt of *Sati* in their respective territories lest, in the event of its occurrence the Government of India should visit them with its severe displeasure. In Jhalawar a woman, on the death of her husband, was determined to immolate herself. But the *Tehsildar*, confining her in a room and placing guard round the house, had the corpse removed and consumed. This exertion of the *Tehsildar* averted an imminent case of *Sati*. The Government of India appreciated the conduct of the Jhalawar officials for the energy they had displayed for the prevention of a *Sati* in their territory.¹²¹ Thus the firm attitude of the chiefs along with the diligence of both the British

118 G. C. (A), Aug. 1870, No. 48.

119 Ibid.

120 G. C. (A), Aug. 1870, No. 59.

121 G. C. (A), Aug. 1870, No 59.

Political Officers and the innumerable Raj officials succeeded in checking the frequency of *Sati*; and bereft of its patrons the rite altogether disappeared from the soils of Rajputana and Central India within a very few years.

Like *Sati*, *Samadh*, meriah sacrifices and infanticide were widely practised within the limits of the princely states. *Samadh* was another kind of self-immolation, but the custom was exclusively observed by the lepers "in all the southern and western portion of Rajpootana."¹²² In Marwar and Sirohi men sick with leprosy occasionally committed suicide by means of *Samadh* or burying alive. When a man became very ill and his person much wasted, he was left uncared for and shunned by his family men and even those belonging to his caste. Under such circumstances he preferred to die rather than live an outcaste from his home and avoided by all. First the leper got a pit dug, then he descended into the earth upto his waist with his own hands and finally the remainder was filled in either by the family members or those present. The Political Agent of Sirohi reported to the Agent, Governor-General, for Rajputana that *Samadh* was rampant in Sirohi although it was prohibited along with *Sati* in 1861.¹²³ In his report he further stated that from the depositions taken by him from the villagers and the relatives of the persons who had committed *Samadh* it had appeared to him that the practice was voluntary and that they had no knowledge that the custom was criminal or forbidden and abhorred by the British Government.¹²⁴ The Agent to the Governor-General for Rajputana, in his reply to the Political Superintendent of Sirohi, observed that "though it appears from your enquiry that these sacrifices have been voluntary, it must be remembered that there is always danger of the priestly class or others who may be interested in a continuance of such superstitions pressing their observance on persons who are but half

122 P. C. (A), April) 1868, No. 131.

123 P. C. (A), April 1868, No. 132. Government Resolution of 20 Dec 1861, Government of India, No. 512.

124 Ibid.

inclined to practise them."¹²⁵ He continued : "...where a person is a noxious leper, the family may have a direct interest in procuring his removal, and the poor wretch may be driven by many indirect means to prefer suicide to life."¹²⁶ However, the former instructed the latter to inform the Sirohi Durbar the attitude of the Government of India towards the revolting practice and to induce the Rao of Sirohi to issue a *Kharita* pronouncing a ban on the custom and punishing the aiders and abettors by way of "imprisonment extending to 10 years (Section 306, Penal Code)."¹²⁷ The Rao of Sirohi contended that the Government of India had not communicated to him its Resolutions of 1861, as referred to by the Political Superintendent, and in support of his contention he said that even during the British management of the state the rite continued in Sirohi.¹²⁸ Possibly he meant to say that the practice could have been discontinued much earlier had the British Government previously communicated its resolutions. However he issued a Proclamation which ran as prohibiting the practice of *Samadh* and prescribing severe punishment for aiding and abetting, including rigorous imprisonment extending to ten years and confiscation of *Jagir*.¹²⁹ The young and enlightened chief of Alwar similarly waged war against *Samadh* as he had done against *Sati* and at a meeting of the thakurs and *Jagirdars* he took separate bonds regarding this practice.¹³⁰ The chiefs of Kota and Jhalawar condemned *Samadh* and issued prohibitive Proclamations.¹³¹ The chief of Bundi wrote to the Political Agent that although *Samadh* had completely disappeared from his dominion still he was issuing a fresh prohibitory order in deference to the wishes

125 Ibid.

126 Ibid.

127 Ibid.

128 Ibid. *Kharita* from the Rao of Sirohi to the Political Superintendent of that State, 5 Feb. 1868.

129 Ibid.

130 P. C. (B), May 1862, No. 16.

131 G. C. (B), Dec. 1874, No. 23.

of the British Government.¹³² Subsequent to the issue of the prohibitory Proclamation a case of *Samadh* took place in a district (Gundwara) of Sirohi. The Rao of Sirohi took strong steps and punished three principal offenders by way of rigorous imprisonment for a period of two years; others concerned "who on becoming aware of what was about to happen took no steps to prevent the rite" were imprisoned for three months with hard labour.¹³³

Besides the lepers, the custom of burying alive was practised by another class of people in Bikaner though the purpose was altogether different. *Samadh* was preferred by lepers to bring to an end the horrible pains which the disease spread over the person of the victim as well as to escape the odium with which he was subjected to by his family men and fellow villagers for contaminating others with the disease. But the *Sidhs*¹³⁴ of Bikaner resorted to this practice as a political weapon "to intimidating the Durbar and compelling it to accede to their terms"¹³⁵ for any wrong or injustice which they supposed to have been inflicted on them by the Durbar. In 1852 when a new Maharaja ascended the *gadi* the succession tax or *nazarana* was taken from the *Sidhs* according to the custom of the country, but on the accession of Maharaja Dungar Singh the *Sidhs* refused to pay the customary succession tax and behaved very badly with the Raj officials. At this the Durbar ordered that

132 G. C. (A), Feb. 1864, No. 151.

133 Ibid.

134 The *Sidhs* were originally Hindu *fakirs* and resided in Kuturisar and other Bikaner villages. But they had abandoned every trace of their former mendicant mode of life except the dress, and become well-to-do zamindars, cultivating "thousands of beghas" of land in Bikaner territory and making thousands of rupees. 'In part they were family men and in the manner of their dress alone were they like Fakirs' G. C. (B), Aug. 1875, No. 8. Tupper, op-cit., p. 293. The offg. Agent for Rajputana reported to the Government of India that the *Sidhs* were very refractory subjects of the Durbar and the religious bodies in Rajputana were very much prone to take these means to resist the orders of the Government. G C. (B), Aug. 1875, No. 7.

135 G. C. (B), Aug. 1875, No. 5.

they should not cultivate the lands they had hitherto cultivated and this order of the Durbar caused their indignation and in their determination to bring disrepute on the administration and to coerce it as well they resolved to commit *Samādī*.

Meanwhile, on 15 April 1875 the Bikaner *Vakil* presented himself to Captain Burton, Assistant to the Governor-General's Agent, Rajputana, and informed him that three of the *Mokants* or headmen among the *Sidhs* intended to commit suicide by burial next day with a view to intimidating the Durbar.¹³⁶ Captain Burton took prompt action and despatched a *choprasī* to the scene of action with orders to inform all present that any person assisting or abetting *Samādī* would eventually be severely punished.¹³⁷ This had the desired effect and the *Mokants* replied that they would obey the orders of the supreme Government for the present, but they were suffering under oppression of the Durbar and must have recourse to *Samādī* in the end unless they obtained redress.¹³⁸ The promptitude displayed by the Assistant Agent foiled the attempt of the *Sidhs* and the crisis was finally averted by the willingness of the latter to pay Rs. 530/- to the Durbar.¹³⁹

Referring to the policy of coercing the Durbar by means of self-inflicted torture, Tupper mentioned¹⁴⁰ a case of women sacrifices which took place in a state whose name he declined to publish for official reasons. In that state two aged women, representing the leading clan living in that village, burnt themselves to death in the presence of the whole village people as a protest against the Durbar's fresh assessment of taxes in four villages which they held for many generations without paying revenues. The object of this inhuman expedient, as Tupper says, was to coerce "the state authorities into abandoning their just claims." "When the 2 women were believed to be dead"

136 Tupper, *op-cit.*, p. 293.

137 G. C. (B), Aug. 1875, No. 5.

138 *Ibid.*

139 G. C. (B), Aug 1875, No. 7.

140 Tupper, *op-cit.*, pp. 292-93.

their charred hands were chopped off—"one hand could not be severed owing to the fierceness of the flames"—and were carried away to be presented to the authorities in order to demonstrate the genuineness of the sacrifice committed by the women as a mark of protest against the Durbar's policy. He reported that the police post which was situated within a stone's throw of the place of occurrence did not attempt to prevent the crime, but the chief of the state punished the offenders and sentenced some of them to various terms of imprisonment. He fined and dismissed the officer-in-charge of the thana and the police under him were all dismissed on charge of dereliction of duties.¹⁴¹

The Government of India treated *Samadh* with the same repugnance as it had treated *Sati*, and in its bid to delete the practice from the social structure of Rajputana it solicited, and sometimes wrested, co-operation of the chiefs and warned the *Kamdars* and *Jagirdars* not to give encouragement to the evil practice. Just as *Sati* had vanished on account of the painstaking exertions of the British Political Officers, the vigilance of the chiefs and the dread of fines and forfeitures, similarly *Samadh* also died down. Moreover as *Samadh* was confined within Rajputana it was easier on the part of the British Government to concentrate its attention on places where the custom was more frequent than in the case of *Sati* which was prevalent throughout Rajputana and the wild tracts of Central India. Again, while *Sati* was observed by widows, high and low, *Samadh* was mostly practised by lepers and the victims generally belonged to the lower strata of society. The poor victims and the abettors, who were also poor villagers, could be easily dissuaded, and where necessary forced, to refrain from the practice; but *Sati* was celebrated with pomp and splendour under the patronage of the chiefs and the Rajas. There is no gainsaying the fact that the practice, whose supporters were powerful Rajas and Maharajas, was really difficult to grapple with. The Government of India waged war simulta-

grown up, to a stranger, and the practice was by degrees adopted by other Hindu castes."¹⁵¹ The biographer of Lord Lawrence observes: "The Rajput designs not to give his daughter to a member of inferior subdivision of caste to himself, for he himself would lose caste thereby, he dares not give her to a member of the same subdivision because such connections are looked upon as incestuous. The difficulty, therefore, of procuring any eligible husband for his daughters; the ruinous expenses connected, according to immemorial custom, with the celebration of the wedding, the suspicion with which an unmarried women is apt to be regarded by the members of her family; and the ease with which, living in the jealous seclusion of his ancestral home, the father can get rid of an obnoxious addition to it,—all these causes combined to overpower the voice of parental affection..."¹⁵²

The same causes and considerations induced the Puriar Minas,¹⁵³ who considered themselves "to be a superior race to the aboriginal Meenas of the country," observed the practice of killing their female offsprings immediately after their birth. The Political Agent, Harowti and Superintendent Mina Districts reported to the Agent, Governor-General, for Rajputana states that the Puriar Minas "have inherited all the the pride and spirit of the Rajpoots, and retained many of the customs and superstitious prejudices."¹⁵⁴ Like the Rajputs they believed that they would be socially degraded if they gave their daughters in marriage to the Minas who, in their eyes, were of "inferior blood" though the latter eagerly sought the hands of their daughters. Again, being Rajputs they could not intermarry. From this it would appear that the real motive which influenced the tribe to destroy their female offsprings was pride—pride of

151 Ibid., p. 146.

152 Bosworth Smith, *Life of Lord Lawrence*, Vol. I, p. 181.

153 The Puriar branch of the Minas inhabited Kheirar, a hilly district in the vicinity of the town of Jehazpur of of Mewar in Rajputana where the borders of the independent states of Mewar, Jaipur and Bundi meet.

154 G. C. (A), Sept. 1862, Nos. 30-31.

birth influenced no doubt by ignorance and superstition. Moreover, Rajputs as they claimed to be, the Puriar Minas had to bear the marriage expenditure. But they were very poor and robbery being the means of livelihood, they were unable to pay the amount which the fathers of the bridegrooms demanded. Under these circumstances they too preferred to destroy their daughters at their infancy.

The practice of infanticide was in full force in the Punjab-hill tracts, dominated by the Rajputs, during the period of disorder and anarchy that intervened between the invasion of Nadir Shah and the establishment of the Sikh monarchy in the Punjab. It reached its height during the ascendancy of the Sikh misls, before the rise of Ranjit Singh of Sukerchakia misl, who subsequently became the ruler in chief of the Punjab.¹⁵⁵ Therefore shortly after the annexation of the Punjab, the attention of the Punjab Government was directed to the prevalence of the crime of female infanticide.¹⁵⁶ In October 1853 a large meeting was held at Amritsar for the purpose of adopting measures to check the revolting crime. The meeting was largely attended and resolutions were adopted expressing the abhorrence with which the crime was regarded and agreements were signed by the influential members of the different tribes having in view the regulation of the expenses to be incurred at betrothals and marriages. The meeting at Amritsar was steadily followed by meetings at Jhelum, Multan, Sialkot and elsewhere.¹⁵⁷ Among the agreements signed at the Amritsar meeting was one signed by the Rajput Rajas of the Kangra' Hills fixing the following scale of expenditure on marriages.¹⁵⁸

Rajas	Rs. 5000/-
Minas, being brothers of Rajas	Rs. 2500/-
Minas, being distant relations of Rajas	Rs. 1100/-

155 *Calcutta Review*, Jan. 1897, p. 150.

156 G. C. (A), Oct. 1861, No. 6.

157 Ibid.

158 Ibid: *Calcutta Review*, Jan. 1897, pp. 150-51

Other Rajputs, Zamindars	Rs. 200/-
Coolies, persons of low caste	Rs. 80/-

The financial difficulties were thus attempted to be overcome by fixing the above scale of expenditure. The Commissioner and Superintendent, Trans-Sutlej States, reported to the Judicial Commissioner of the Punjab that everybody acknowledged the propriety of the above schedule of expenditure, but it remained a dead letter for nobody had cared to be the first to observe it.¹⁵⁹ The Commissioner, Trans-Sutlej States, held a meeting at Dharmasala for removing the other disability, i.e. the pride of caste which prevented the Rajputs from contracting equal marriages. The meeting was attended by the Rajas of the Kangra district and by the Minas, Jaikari Rajputs and several respectable men of other tribes etc. and the object of the meeting was to promote equal marriages among the Rajputs of various tribes. Two agreements were drawn out, one signed by the chief representatives of each clan consenting to intermarry on equal terms, in other words, to give daughters to equals and to receive daughters from equals; and the others signed by the heads and representatives of the Kutch, Guleria, Siba, Jaswal and Dasturpuria Rajputs consenting to intermarry among themselves as well as with other Jaikari Rajputs on terms of perfect equality. In these agreements, however, there was this reservation that the common Rajputs should contract matrimonial engagements with common Rajputs—Minas with Minas and Rajas with Rajas etc.¹⁶⁰ Sir Donald Mcleod, Lt. Governor of the Punjab, writes: "The idea prevalent among some classes, especially of Rajputs that it is honourable and necessary to marry a daughter to a male of a superior caste or tribe, and humiliating or inadmissible to marry her into the family of an inferior, is, in my opinion, a fertile cause of the prevalence of this crime, so that it seems very desirable to urge on the classes entertaining this idea the expediency of resorting to equal marriages."¹⁶¹

159 G. C. (A), Oct. 1861, No. 5.

160 Ibid., *Calcutta Review*, Jan. 1897, p. 151.

161 G. C. (A), Nov. 1863, No. 1.

Unfortunately, these elaborate and judicious arrangements made by the British Government to do away with the caste prejudices did not prove to be so effective as it had been anticipated and the practice of killing daughters at birth still continued. It must be admitted, however, that the practice was slowing down and this will be evident from the report of the Agent, Governor-General, for Central India in 1867 that the practice of female infanticide had disappeared from Central India.¹⁶² It is difficult to assess the extent to which the Rajputs were influenced by the measures mentioned above; but the practice was steadily dying out in Rajputana also. "The result is partly due to judicious check placed by the chiefs on the exorbitant demands made by charuns and Bhats on occasions of marriages etc., but mainly due to the fact that the Rajputs themselves now regard it as a crime, and a crime of heinous nature, and one, too, for which they can urge no religious sanction or authority."¹⁶³ But solitary cases were still taking place and a Government report of 1863 revealed that in the estate of Jigni, in Bundelkhand (when the estate was under British management), not a single female child was found to be alive. The Political Assistant for Bundelkhand persuaded the thakurs of that Agency to discontinue the practice and to report all pregnancies and births for registration. This had a very good effect, and between 1863 and 1864 three female infants were born and saved.¹⁶⁴ On 4 January, 1864 the Inspector General of Police in Oudh reported to the Secretary to the Chief Commissioner of Oudh that female infanticide still occurred in the villages of Olamohan and Santiapur in Hardui district,¹⁶⁵ but the mode of killing the daughters had changed. He reported "that many female children die a few days after birth, probably from neglect and want of food. It is extremely difficult to put sufficient evidence for conviction before a

162 *Calcutta Review*, Jan. 1897, p. 151.

163 G. C. (A), Aug. 1867, No. 47. Administration Report of Rajputana States for 1865-66 and 1866-67.

164 J. T. Wheeler, op. cit., pp. 321-322.

165 G. C. (B), April 1864, No. 107.

Magistrate that such death is a deliberate murder, but the general evidence will, I believe, convince the chief commissioner that female infanticide is yet practised in many Thakoor villages, although the infants are not now murdered after birth.¹⁶⁶ The new technique had been adopted possibly with a view to camouflaging the brutal act of murder which was previously done. The Government of India in consonance with its attitude towards other cruel practices, pronounced a strict prohibition on the commission of the crime, and the chiefs of the states, where the practice was very frequent, were asked to co-operate with the British Government for its complete suppression. Already the vigilance of the British Political Officers had checked the frequency of the rite in parts of Central India. The chiefs and the rulers, taking their cue from the Government of India, launched, along with *Sati* and *Samadh*, a war for the total abolition of female infanticide and as a preliminary measure of the war they promulgated ordinances in the form of proclamations thereby prohibiting the commission of the crime. The numerous proclamations issued by the chiefs contained penal provisions for violating prohibitory orders and the result was satisfactory.

Another odious practice was the selling of children. The practice of selling children for immoral purposes was not unknown and the state of Mewar was the chief patron of this traffic in human beings. The Political Agent of Mewar reported in 1863 that it was an old practice and no positive steps had so far been taken to stop it. What was most "distasteful and revolting to the feeling of the British Government" was that the sale was legalised and licensed with the full knowledge and concurrence of the Regency Council and the fourth of the amounts realised from each sale was taken by the Durbar.¹⁶⁷ The Political Agent, Mewar at once wrote to the Regency Council advising that it should stop this practice since "this traffic is entirely contrary to the desire of the British Govern-

166 Ibid.

167 J. C. (A), Nov. 1863. No. 32.

ment and, in fact, contrary to all that is right..."¹⁶⁸ The Mewar Regency Council acted accordingly and a Proclamation was issued prohibiting the sale of children throughout Mewar. The Political Agent and Judicial Commissioner in Mewar similarly issued a Notification "rendering the sale of children for any purpose illegal and a crime punishable by imprisonment or such other award as may seem to apply to each particular case" when tried before his court.¹⁶⁹ The measures adopted proved sufficient for the discontinuance of the practice and no case of sale of children was recorded later. Equally scandalous was slavery; even in the middle of the 19th century the practice continued within the confines of some of the states of India. The name of the state of Cooch Behar in Bengal comes first. The matter was first brought to the notice of the Governor-General by the Bengal Government in February 1864. The Government of India immediately adopted a strong step and the nefarious traffic received a death-blow at the hands of the British Commissioner who was appointed to carry on the government of the state during the minority of Raja Nripendra Narain who ascended the *gadi* of Cooch Behar on the death of his father Raja Narendra Narain. The abolition of slavery from the soil of Cooch Behar was formally proclaimed at a public Durbar in September 1864 and "a regulation in the Bengalee language, embodying the provisions of the Penal Code respecting kidnapping and abductions, was declared to be in force as regards all future seizures, sales, or detention of persons male or female."¹⁷⁰ In Nepal, Maharaja Sir Jung Bahadur also adopted stringent measures to put a stop to the traffic and issued a proclamation to that effect.¹⁷¹

Besides taking these steps to suppress the practice in the states, the Government of India evinced equally strong desire to prohibit the subjects of the Indian rulers from indulging in

168 Ibid.

169 Ibid.

170 Wheeler, *op. cit.*, p. 403.

171 Ibid., p. 223.

the noxious trade in territories outside India. The inhabitants of the state of Kutch dealt in with this human commodity in Zanzibar. The Government of India wanted to stop this trade and solicited the assistance of the Sultan of Zanzibar for taking strong measures against the kutchis under his protection engaged in the slave trade. A notice was issued by the Government of India through the Political Agent and Consul at Zanzibar which ordered "all Natives of India who possess slaves in the dominions of His Highness the Sultan of Zanzibar to present themselves to the Political Agency, either in person or by deputy, within a limited period of time...with the list of the slaves in their possession, describing therein the age, sex, and name of each of those slaves, in order that they may be dealt with in accordance with the commands of the Government of India." After the lapse of the prescribed time, "unless a good and sufficient excuse be afforded for non-appearance, all slaves found in the possession of natives of India shall be forthwith set free, and the owners thereof shall further be subjected to imprisonment, or to a fine...or both..."¹⁷² The Sultan of Zanzibar agreed to co-operate, although there arose between him and the Government of India some differences on the question of the right of jurisdiction over certain categories of persons.¹⁷³ The Rao of Kutch also issued a Proclamation on 24 April 1860 prohibiting engagement in slave trade by Kutchis either at Zanzibar or in any other part which they might frequent for purposes of trade and declaring that all those who violated this order would be liable to punishment on their return to their own country.¹⁷⁴

The attention of the British Government was drawn to another type of cruelty to which the chiefs of the Indian states indulged in and which the British Government forced them to abandon as anachronistic. The punishment which the rulers meted out to the offenders were barbarous. Torture or physical

172 P. C. (A), July 1860, No. 220.

173 P. C. (A), July 1860, No. 236.

174 P. C. (A), July 1860, Nos. 304-305.

violence such as cutting off ears and noses and chopping of hands, uprooting teeth, flogging and compelling offenders to hold hot iron-rods etc. were freely used for extracting confession of crimes or for punishing the offenders. These harrowing modes of punishment were inflicted in those states where the administrative machinery was defective and archaic. Tupper has graphically depicted a dismal picture of such practices in the pages of his book. While tracing the cause he remarked that this is because "the persons charged with the administration were frequently uneducated and generally corrupt,"¹⁷⁵ and under such men, shorn of sympathy and enlightenment, it was very natural that the nature and volume of punishment, even for slight offences, would be unnecessarily harsh. The British Government treated the subjects so seriously that it even concluded treaty agreements for putting a stop to these outrageous modes of meting out punishment. A treaty¹⁷⁶ was concluded as early as 1833 between the British Government and Raja Purandar Singh of Assam which contained the following stipulations: "The Raja Poorundar Sing binds himself, in the administration of justice in the country now made over to him, to abstain from the practices of the former Rajas of Assam, as to cutting off ears and noses, extracting eyes, or otherwise mutilating or torturing, and that he will not inflict cruel punishment for faults, but generally assimilate the administration of justice in his territory to that which prevails in the dominions of the Honourable company." But treaty agreements did not always serve to fulfil the purpose and the British Government had to interfere, irrespective of treaty engagements, in the internal affairs of the states to prevent such barbarities. Official records furnish many such cases of forced intervention by the paramount power. The defaulting chiefs were sometimes punished by the British Government by way of fine or by deprivation of jurisdiction or by reduction of salute or by

175 Tupper, op. cit., p. 296.

176 Aitchison, *Treaties, Engagements & Sanads*, Vol II, pp. 139-41 (ed. 1909). Lee-warner, op. cit., pp. 304-05.

such other means as the British Government might see fit to employ.

One of the most striking examples of such interference occurred in 1863 during the minority of the Maharana of Udaipur. The Mewar state was at that time under the administration of an incapable Council of Regency, and Mehta Sher Singh was one of its members. The great prevalence in the country of dacoity and other violent crimes seemed to necessitate some special measures of suppression, and Mehta Ajit Singh, son of Mehta Sher Singh, was sent to the districts for the purpose of hunting up the offenders. He began well; gangs were broken up, several freebooters were caught and some plundered property was recovered. But it soon appeared that Ajit Singh's proceedings were likely to do more harm than good. Not content with capturing criminals, he assumed the power of punishing them. It was reported that he had recourse to torture to extort confession, and that those who confessed were punished in the most brutal manner. These stories reached the ears of the Political Agent and an enquiry was instituted. The result of the enquiry definitely established that Ajit Singh had been guilty of inflicting the most barbarous punishments on the captured offenders. One man, Gumla Naik, after being beaten and tortured until he confessed to having eaten cow's flesh, had been tied to the leg of an elephant and dragged along the ground until his body was absolutely flayed. He had then been buried with his head above ground, and left to die of starvation. Another less robust prisoner, Kirta Naik, accused of the same crime, had some of his teeth wrenched out by the order of Ajit Singh, and he died with swollen and disfigured face 2 or 3 days afterwards. When these facts came out, Ajit Singh was summoned to Udaipur and brought before the Political Agent. He made a full confession and the Political Agent called upon the Council to place him under surveillance. The Council, however, influenced by Mehta Sher Singh, permitted their prisoner to escape, and several years elapsed before he was brought to justice. On hearing of Ajit Singh's flight

the Political Agent forwarded a report of the circumstances to the Governor-General's Agent, and urged that an example should be made, not only of the actual offender, but also of the administration whose complicity had been so clearly manifested. The views of the Political Agent were at once accepted by the Government of India, and on the 14 August 1863 a proclamation was published,¹⁷⁷ which, after noticing in strong terms the "utter disregard of the principles of justice" shown by the Regency Council in that case, proceeded to announce the transfer of civil and criminal jurisdiction to the Political Agent. The local courts at Udaipur were allowed to be maintained, but all prisoners charged with heinous offences were to be committed for trial to the Political Agent's Court, which was also to be a court of appeal in civil suits above Rs, 1,000/- in value. Moreover, Mehta Ajit Singh was declared an outlaw and the Rajput states were called upon to deny him sanctuary.¹⁷⁸

Before the name of Mehta Ajit Singh was plunged in obscurity Colonel Keatinge, the succeeding Agent for the states of Rajputana, informed the Government of India that the outlaw was living openly under the protection of the Rao of Kotaria, a Mewar noble who had long enjoyed a reputation for extreme arrogance and insubordination. The Government of India urged the Mewar Durbar for demanding the surrender of Mehta Ajit Singh from the Rao of Kotaria and after a good deal of unsatisfactory correspondence Ajit Singh surrendered in 1870 and was tried by the Political Agent. He was convicted and sentenced to three years' imprisonment. The Government of India supplemented this sentence by the issue of a Notification declaring that Ajit Singh's conduct had been "such as to disqualify him for any public employment."¹⁷⁹ The Rao of Kotaria escaped the death penalty in lieu of the deprivation of all his criminal jurisdiction as a mark of the displeasure of the Government.¹⁸⁰

177 P. C. (A), Sept. 1863, No. 48.

178 Ibid.

179 P. C. (A), Nov. 1870, No. 118.

180 Ibid.

Another harrowing event occurred in Jhabua. On 27th April 1865 the Agent to the Governor-General for Central India reported ¹⁸¹ to the Government of India that the Raja of Jhabua had deprived a man in the most brutal manner of one foot and one hand in revenge for alleged plunder of valuables estimated at about Rs. 4,000/- from a temple built by the mother of the chief at that place. The Agent thought that the Raja could not be acquitted of having himself ordered the perpetration of the atrocity, though he had doubtless acted under the influence of his mother. The Agent was further of opinion that the investigation into the robbery was as yet incomplete when the unfortunate man was mutilated ; therefore it was not even clear that he was guilty of the offence. At all events he had not been legally convicted.¹⁸² The chief might have acted under the influence of his mother, but the order was given by him and therefore he was responsible for the misdeed. The Government of India took a serious view of the case of mutilation. For his brutal conduct the chief was deprived of the salute of 11 guns which he had been enjoying and fined Rs. 10,000/-. Moreover, the mother of the chief was banished from the state for one year and the chief was ordered to pay the mutilated man a pension of Rs. 15/-per mensem.¹⁸³ While punishing the Raja, the Government of India firmly expressed the view that "if such brutalities are to be put down in Native states, it is necessary that severe punishment be inflicted on offenders."¹⁸⁴

181 J. C. (A), May 1865, No. 33.

182 Ibid.

183 J. C. (A), May 1865, No. 36.

184 Ibid.

Some Aspects of Economic Relations

One important aspect of the economic relations between the paramount power and the princely states was the issue of survival of the latter's mints and coins. Questions of law, contract and custom arose in connection with the development of this policy. Another aspect of the economic relations was connected with the numerous salt agreements concluded with the Indian states and with this fiscal system was also connected as in the former, the questions of mutual contracts and obligations governing the entire salt policy of the Government of India.

The question of the change of superscription of the name of the King of Delhi in the coins of several princely states and the substitution of that of the Queen's name received a detailed study at the hands of the Government of India after the Mutiny. But long before the outbreak of the Mutiny, as far back as 1846, the Rao of Kutch had proposed to Sir C. Napier that the Government of India as the paramount power in Hindustan should have its name superscribed on the durbar coins and after the Mutiny he resolved to strike his coin in the name of Her Majesty. After the fall of Delhi and the death of Bahadur Shah in 1858 and his subsequent deportation to Rangoon, the last vestige of the Mughal empire disappeared and by the year of 1858 the Queen directly assumed the supreme duty of administering India. The sovereignty of India was transferred to the Queen and in the case of the *jagirs*, which were bound to the Government of the Company in a subordinate position by a series of treaties and agreements, the paramountcy of the British Government took the new form. Naturally the retention of the name of Bahadur Shah on the coins of the princely states would appear as an anachronistic to the British Government.

It was at that time that Lord Dalhousie, Governor-General of India, proposed to the Queen that the name of the Queen should be substituted for that of the King of Delhi on the coins of the princely states.

Dalhousie raised the question in a concrete form. He reported that he had observed the abuse of the name of the King of Delhi at the orders of the Dalhousie agent which was then under his jurisdiction, and the substitution of the name of the Queen. Major-Norton said it seemed for his measure and then what is called Dalhousie's message in the same way. Thereupon Captain Norton read the Agent to the Governor-General for Hyderabad to inform whether the other names in the Hyderabad State the representation of the King of Delhi and requested him to ascertain and report back a proposition to effect a compromise would be viewed by the different chiefs of Hyderabad. Similar instructions were issued to the Agent to the Governor-General for Central India and to the Residents in Hyderabad and Baroda.

This request by the Dalhousie exchange the Government of India sanctioned Capt. Norton's proceedings only on the understanding that he had acted "in concert with the Durbar." So far as his request with reference to the Dalhousie message was concerned he was directed to bear in mind that the British Government has no right to give orders in the matter and that any assumption of authority by the Agents is regarded as the prerogative of acting, which the independent states of Hyderabad and Central India so zealously maintain, is likely to defeat its purpose.¹ Writing in the same sense to the only Agent to the Governor-General for Hyderabad the Government of India stated that all that it could do was "to submit the proposal to several chiefs leaving it to them, if they consider, to determine the degree to which the future message of their states should bear."² He was instructed to submit the proposal to each chief separately.³ As the Government of India looked

¹ E. C. A., 3 April 1858 No. 57-nd.

² Dalhousie was then under the superintendence of Capt. Norton.

³ E. C. A., 2 April 1858 No. 71.

⁴ Ibid.

⁵ E. C. A., 24 Sept. 1858, No. 149.

⁶ E. C. A., 24 Sept. 1858, No. 153.

⁷ Ibid.

forward to the assimilation of Durbur coins with those of its own, it desisted from putting pressure on the chiefs for a mere change of device.

The feelings of the *Panch of Sirdars* of the Bharatpur Durbar were found to be very satisfactory when Capt. Nixon placed the proposition before them. They all argued that the Bharatpur coinage should bear the stamp of the British Government. Accordingly, Nixon suppressed the coinage of rupee bearing the name of the King of Delhi.⁸ The report of the Resident at Baroda was no less encouraging. He informed the Government of India that in pursuance of its desire the Gaikwad's Government had ordered the discontinuance of coins bearing the facsimilie of the King of Delhi and the preparation of another die substituting in its place the name and title of His Highness Khande Rao Gaikwad.⁹ The Nizam's reply, as reported by the Resident at Hyderabad, was that "there could be no object in discontinuing the superscription of the King of Delhi after any such sovereign had ceased to exist ; and that he anticipated no difficulty in carrying out such a measure."¹⁰ But he did not state what he intended to substitute. In Central India the Holkar at once concurred in omitting the name of the King of Delhi and substituted the following ;—

"Obverse—Long live the name of Ahillia (a devotee of Shunkar), Reverse—Coined at Holkar's city of Indore."¹¹

The Begum of Bhopal did not lag behind and agreed to substitute the simple superscription "Zurub-ool-Bhopal" ("coined at Bhopal").¹² The Government of India expressed full satisfaction at this ready acceptance of the measure and approved of the devices proposed to be substituted.¹³ The Political Agent,

8 P. C. (A), 24 Sept. 1858, No. 154.

9 P. C. (A), 6 Aug. 1858, No. 88,

10 P. C. (A), 6 Aug. 1858, No. 96. Office

Note : F. C. (A), June 1872, Nos. 15-24.

11 P. C. (A), 6 Aug. 1858, No. 166.

12 F. C. (A), May 1871, Nos. 12-15.

13 Ibid.

Gwalior, delayed his answer for sometime, but eventually reported that Sindhia had, even before the events of 1857-58, desired to omit a superscription showing a dependence on the King of Delhi who did not really exist and that he was now quite determined to effect the change, but was anxious to postpone his reply till he could say exactly what the new superscription should be.

The most encouraging report came from Rajputana. Capt. Eden, Political Agent at Jaipur, intimated that the Maharaja of Jaipur had expressed a desire to call in his current coins, which bore the name of Bahadur Shah, and to issue a new currency bearing some reference to Her Majesty the Queen.¹⁴ In forwarding this proposal the Agent to the Governor-General for Rajputana suggested that it seemed a fitting time to change the coinage of all the Rajput states which had hitherto borne the name of the Delhi emperor. The Government of India, in reply, authorised the acceptance of the proposal made by the Maharaja of Jaipur and desired that he might be assured of the Governor-General's appreciation of his "becoming and graceful offer."¹⁵ The choice of a device for the new coin was left to His Highness. The Rao of Alwar, on hearing of this, signified his intention of making a similar change.¹⁶ Lord Impey, the Political Agent at Alwar, when reporting this intention, observed: "I believe it to be, contrary to all former practice in India to allow Native Princes coining under the permission merely of the Power, which by treaties they acknowledge to be supreme, to place their own name on the coinage; such a mark of independence was never permitted, I believe, by the Moghul dynasty."¹⁷ In reply he was informed that the "Government had no objection to the adoption of the new superscription proposed for the Ulwar coinage." On 26 May 1858 the Agent to the Governor-General for Rajputana, placed the proposal

14 P. C. (A), 24 Sept. 1858, No. 160.

15 F. C. (A), 26 Feb. 1858, No. 170.

16 Sup, 30 Dec. 1853, No. 1001.

17 Office Note : F. C. (A), June 1872, Nos. 15-24.

before the *vakils* of Udaipur, Jodhpur etc. They replied that their wish was to do as Jaipur had done,¹⁸ but at the same time they pointed out that in an important matter of this kind the views of their respective chiefs should not be overlooked.¹⁹ The Government of India thereupon instructed the Agent to communicate with the chiefs themselves.²⁰ In the meantime the Bikaner Durbar proposed to substitute the name of the British Government.²¹ Jaisalmer expressed its consent to print the name of the Queen on its coins in response to the circular *Kharita* of 18 August 1858 from the offg. Agent in Rajputana.²²

These reports were forwarded to the Secretary of State.²³ While commending the conduct of the chiefs of Kutch and Jaipur for ready and spontaneous acceptance of the Queen's name on the coins of their respective states, he expressed the opinion that no difficulty would have occurred on the part of other princes in adopting a similar course had it been suggested to them. Her Majesty's Government regretted, he observed, that an opportunity had been lost of denoting by such a proceeding "the recognition of the great fact that the supremacy of India is vested in Her Majesty."²⁴ The cautious approach of the Government of India was not liked by the Secretary of State and he exhorted the Government of India to follow a steadfast policy in the matter of coinage. He added that probably it was not too late to repair the omission, and desired that an early opportunity should be taken of bringing the subject under the consideration of various chiefs and princes.²⁵ Lastly, he proposed a bigger reform, *viz*, simultaneously with a change of device an effort should be made to introduce a uniform

18 P. C. (A), Sept. 1858, No. 163.

19 Ibid.

20 Sup. 30 Dec. No. 1004.

21 P. C. (A), Nov. 1859, No. 149.

22 P. C. (B), May 1860, No. 141.

23 Letter No. 6, 22 Jan. 1859.

24 Political Despatch from the Secretary of State No. 39, 15 Sept. 1859,

25 Ibid.

coinage throughout India and to withdraw the spurious and debased coinage which was then in circulation.²⁶ It does not appear that any action was taken upon these instructions.

More than a decade later this lack of progress in the recognition of the sovereignty of the Queen in the superscription of the coins of the princely states was lamented by the Secretary of State.²⁷ To him it appeared that mere removal of the name of the erstwhile King of Delhi was not sufficient to signalise the assumption by the Queen of the direct Government of India. He recommended that the Political Agents accredited to different Durbars should point out, by exerting their legitimate influence, the advisability of some recognition of the Queen's suzerainty by the chiefs.²⁸ The Government of India considered with care the question of securing an acknowledgment of the Queen's supremacy in the superscription of the coins of the princely states, and after much deliberation it came to the conclusion that it would not be advisable to adopt any measures of a general kind for this purpose.

During the course of the correspondence it transpired that Sindhia's coinage still bore the name of the Mughal Emperor which was supposed to have been removed in 1858. The Agent to the Governor-General for Central India was thereupon directed to "quietly draw the attention of Maharaja Sindhia" to the "propriety of removing from his coinage the name and title of the Delhi Kings." The Government of India further wrote: "By exercise of quiet and unostentatious influence you may induce the Maharaja to substitute the name of Her Majesty the Queen; but this latter point is one which His Excellency in Council has no desire authoritatively to press."²⁹ At the same time it appeared from General Daly's report that not only the Gwalior coinage, but also that of Bhopal and Indore had remained unchanged. He thought that there would not be much

26 Ibid.

27 Political Despatch from the Secretary of State, No. 24, 16 Feb, 1871.

28 Ibid.

29 K. W., F. C. (A), June 1872, Nos. 15-24 (Note by Aitchison).

difficulty as to the erasure of the names of the Delhi Kings and proposed to broach the subject at the first opportunity. As to the substitution of the Queen's name he was not so confident.

These reports were considered in detail in the Governor-General's Council. Several members pointed out that the superscription question was one of extreme delicacy and that a refusal on the part of any of the more powerful chiefs to accept the suggestions of the British Government would be embarrassing.³⁰ Sometime before the arrival of the Secretary of State's despatch (No. 39) of 15 September 1859, the Resident at Hyderabad had telegraphed that the Nizam wished to make a change in his coinage: to substitute the name of the Prophet Muhammad for 92, the number which signified the name according to Mahommedan usage. The Resident suspected that the hidden meaning of the change was to deny the supremacy of the Queen and to show that the Nizam's sovereignty was derived from the Prophet. On receipt of the communication the Government of India telegraphed in reply: "The Governor-General in Council cannot consent to an arrangement which he does not understand. Any alteration in the coinage designed to deny the supremacy of Her Majesty cannot be regarded as a friendly act on the part of the Nizam." The Government of India took full cognisance of the misgivings that any rash measures were likely to cause. Moreover, the tide of the Mutiny had not yet completely subsided. The Government of India apprehended that if the states were compelled to inscribe the name or head of the Queen on their respective coins, the consequences might be adverse. It apprehended that any such attempt was likely to produce distrust and alarm in the minds of the chiefs and such a feeling might jeopardise the political stability of the country. The Secretary of State was informed that "if any of the states were to object, effect would not be good." Aitchison remarked in an official note: "The Emperor of Delhi's name has been obliterated...from the coinage of every state of India...

30 F. C. (A), June 1872, No. 23.

The British supremacy in India is such a tangible fact, and is so universally and unquestionably admitted, that the reality cannot be added to by insisting on the mere symbol. Any agitation for the mere symbol would do more harm than good. We have to use our influence and authority so often in matters of real importance that I do not weaken it by calling it into play in matters of no moment or to catch at shadows when we really possess the substance.”³¹ The Government of India believed that the most satisfactory manner in which the change could be effected would be by a spontaneous offer on the part of the chiefs themselves. It abandoned the issue without making any further attempt to secure the end by pursuing any general measure.

Though the smaller project was given up, the Government of India directed its attention to the bigger project suggested by the Secretary of State in 1859, *viz.*, the absorption of the various kinds of Durbar coins and the introduction of uniform currency throughout India. The circulation of a large number of coins of different values in most cases very “badly stamped and rudely fashioned,”³² constituted a source of trouble to all except the money-dealers with whom rested the adjustment of value and exchange. Having regard to the inconvenience experienced in monetary transactions in consequence of existence and circulation of princely coinage of various types, the Government of India took up the idea that the chiefs should be induced either to close their mints or to assimilate their coinage with that of British India. The advantages which were calculated to result from the use of one uniform coinage throughout the length and breadth of India were clear enough. Aitchison remarked in an official note : “There is nothing that would conduce to the material prosperity of India more than a uniform coinage. It would expand the intelligence of the people, increase their trade, strengthen their mutual sympathies, relieve

31 K. W., F. C. (A), June 1875, Nos. 15-24 (Note by Aitchison).

32 W. W. Webb, *The Currencies of the Hindu States of Rajputana*, Preface, pp. X, XI.

them from the losses and inconvenience arising from the fluctuations of exchange. It would have a very important political effect, and in times of disturbance would give British India a great hold upon the Native states in proportion to the amount of their coins that it might have in reserve in its treasuries."³³ But the obstacles in the way of its introduction were many. Aitchison summed up the difficulties in the following words: "The difficulties, however, in the way of introducing any scheme of the kind are enormous and indeed...overwhelming. There are difficulties in recalling the current Native coins and substituting a new coinage even if the mints could be suppressed. There are difficulties in the conversion of accounts, in the adjustment of fixed contracts, of mortgages, rents, incomes, pay of troops, etc., which are almost insuperable and which could not be effected without influencing the mass of the people in all the petty transactions of daily life and creating an amount of discontent and disaffection which the British Government might be ill-prepared to meet."³⁴

The most important difficulty was that of closing and controlling mints which would necessarily be the first step towards any assimilation of currency. Any attempt to introduce uniform currency would be fruitless if the Durbar mints remained open. The British Government was aware that no inducement would be strong enough to make the princes agree to forego their right of coinage. The seigniorage of minting formed a conspicuous item of revenue in the princely states and any measure which would trench on this source of income was bound to displease the chiefs. Moreover, the right of coinage was one of the cherished privileges of the princely states and was looked upon by the princes as an essential prerogative of sovereignty. In spite, therefore, of the many disadvantages arising from a multiplicity of mints the British Government had abstained from interference in this respect in the case of the important princely states. But at the same time it had always been the policy of the British

33 K. W., No. 3, F. C. (A), Nov. 1870, Nos. 3-27.

34 Ibid.

Government to restrict the privilege within the narrowest possible limits and to encourage the princely states to surrender it entirely.

The earliest correspondence on the subject which need be mentioned here arose in 1823. Captain Macdonald, the Local Agent at Pertabgarh, then wrote³⁵ to Sir D. Ochterlony, Resident in Malwa, pointing out the evils arising from the issue of debased coinage by the Pertabgarh mint, and the advantage of securing the general currency of the Farruckabad rupee, which was the same as the Company's. In consequence of Captain Macdonald's representation, which was forwarded to the Supreme Government, the Governor-General in Council resolved, on 10 September 1824, that the coinage at the Pertabgarh Mint must be regulated or, if practicable, stopped." As the state of things did not improve, the Resident at Indore, Wellesley, in 1826 resolved to abolish the mint, and issued orders to that effect to the Political Agent. Action was, however, stopped by the order of the Supreme Government which stated: "As the Mint in question is distinctly recognised in our Treaty of the 5th October 1818 with the state of Pertabgarh, Government cannot consider that we are authorised to abolish it without the consent of the Raja, to be obtained by negotiation in exchange for a fair compensation."³⁶

The scruple about the treaty stayed the proposal for abolition and the Pertabgarh mint remained untouched. The mints in several other small states, however, did not escape. The British Government had then under consideration the question of introducing an uniform currency, and many mints belonging to the petty chiefs of Malwa were abolished by the authority of the British Government. Among them was Ratlum. Twenty years later, in March 1845, Sir R. N. Hamilton, who was then Resident at Indore, represented that the Ratlum mint might be restored. Ratlum was the chief opium mart in Malwa and a highly flourishing town. The Resident desired to oblige

35 P. O., 12 Sept. 1823, No. 9.

36 F. C. (A), June 1872. Nos. 15-24 (Office Note).

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mints had been ordered by the Supreme Government and generally acquiesced in by the chiefs.⁴¹ In 1851 Bushby, who had succeeded to the Agency, discovered three manufactories of copper coins within the limits of his jurisdiction. Of the three manufactories one was situated in two villages of Jhansi without the knowledge or permission of the chief, one in the Chhatarpur state from which the Raja of course derived an illicit revenue, and a third in the small *jagir* of Gerowli. Bushby told the chiefs that he would not allow them to manufacture money within their limits. He received from the Raja of Chhatarpur an appeal against his order on the plea that the fabrication of copper money caused no injury to the British Government and was an accommodation to the community. The Gerowli *Jagirdars* asked for a period of grace. In both cases he returned the same answer : coinage of money had been forbidden in Bundelkhand and that prohibition could not be removed. The Government of India approved his orders for the suppression of the copper mints.⁴²

This had been the state of affairs upto 1857. The Government of India had authoritatively suppressed the mints in many of the smaller princely states. The mint of Sawantwadi was abolished in 1845. The chiefs of Kolhapur and the southern Maratha country abandoned their right of coining, and the old currencies, which comprised gold, silver and copper pieces, were withdrawn from circulation. The mint of Janjira was abolished as early as 1834 for issuing "spurious and counterfeit coins in the great trading centre of Bombay."⁴³ Only those mints which had been recognised by treaty and those which belonged to the more important states were spared. In the first category fell the mint at Pertabgarh ; in the second, the mints in Indore, Gwalior and Bhopal. It was, however, officially stated that "in all future

41 Office Note : F. C. (A), June 1872. Nos 15-24. (The states were Datia, Jhansi, Jalaun, Samthar, Chhatarpur. The Bundelkhand chiefs were permitted to coin their money at Saugar).

42 *Ibid.*

43 Lee-Warner, *op. cit.*, p. 310.

negotiations with princely states possessing mints the abolition of those mints was to be held as object of paramount political importance."⁴⁴ Though much had been urged in favour of suppression, it was found that the difficulties in the way of giving general effect to such a policy were insurmountable and little or nothing could be done either to effect a diminution in the number of Durbar mints or to assimilate their coinage with that of British India. The question, of course, became simplified in the annexed territories of the Punjab, Nagpur and Oudh where Durbar coins were replaced by those of the British.

During the Mutiny many princely states in Bundelkhand and even influential *Jagirdars* established mints. The rebel leaders everywhere considered the right and act of coining money as an essential attribute of sovereignty, and therefore the first thing that was done on the rebellion of an area was to strike a new coin. Khan Bahadur, a rebel leader of Bundelkhand issued coins in the name of Emperor Shah Alam.⁴⁵

Some of the mints which came into existence, or were revived, during the Mutiny, had been stopped ; but some states, Tehri for example, asserted that they had coined money in the past and had authority for so doing. As the records of the Indore Residency had been destroyed, no trace of the orders passed on this subject could be discovered there. The Tehri mint could have been abolished by the Government of India, but its abolition would cause a loss, as stated by the Minister of the state, of about Rs. 45,000/- a year.⁴⁶ The Agent to the Governor-General for Central India admitted in 1859 that the mints at Datia and Tehri could not be entirely suppressed without causing great inconvenience and loss to the local community. This would also create serious and general ill-will throughout Bundelkhand towards British rule.⁴⁷ But it was understood

44 Note by Aitchison, K. W., No. 3, F. C. (A). Nov. 1870 Nos. 3-27.

45 Ibid.

46 P. C. (A), 14 Oct. 1859, No. 52.

47 P. C. (A), 22 July 1869, No. 61.

that these mints were "at work merely by sufferance."⁴⁸ The opinion expressed by the Agent is significant ; he referred not only to the people's loss and inconvenience, but also to serious and general ill-will throughout Bundelkand. He was by no means alone in entertaining such apprehension ; indeed, the Government of India itself came to the conclusion that restrictive measures could not then be pressed on the princely states. The compromise which it found acceptable was that where mints had already been suppressed they should not be reopened, but where they had not been suppressed they should not be interfered with.⁴⁹

In June 1869 the question took a new turn. In March of that year a banker at Agra drew the attention of the Government of the North-Western Provinces to the fact that short-weight counterfeit pice of the Gwalior and other currencies were in circulation in Agra as a result of which the bankers of Agra were suffering serious loss. He accordingly solicited that Government should order the closure of the mints. The North-Western Provinces Government deputed a Police Officer to investigate into the matter. The enquiry revealed the correctness of the complaint. Agra was actually flooded with short-weight counterfeit pice of the Gwalior, Jaipur, Bharatpur, Bikaner and other currencies, minted at Charwa and Surajghar, both in the territory of the Raja of Khetri, a feudatory of Jaipur—the latter possessing no less than 19 mints and the former 13. The coin was transferred to markets where several currencies were in circulation and agencies were established for their disposal. Both the thakur of Surajghar and the Raja of Khetri derived a percentage of profit from this arrangement.⁵⁰ From enquiries made by the Political Agent it was found that the Raja of Khetri had leased the mints to contractors on the express condition that only Jaipur coin should be struck. The Raja did not knowingly reap any benefit from the illegal trade and he

48 P. C. (A), 14 Oct. 1859, No. 52

49 K. W., Nos. 1-3, F. C. (A), Nov. 1870, Nos. 3-27.

50 F. C. (A), July 1868, No. 11.

pleaded ignorance of the manufacture of coin of any other die than his own. The Political Agent reported that when all these irregularities were brought to the notice of the Raja, the latter immediately suspended the *Amil* of Charwa, closed the mints and imprisoned those of his subjects who had been actually involved in the trade.⁵¹

When these facts come to the notice of the Government of India, it expressed its inability to "understand how the privilege of coining came to be enjoyed by a subordinate noble of the Jeypore state" and observed : "The expediency of permitting this to be separated from the other functions of sovereignty, with their attendant responsibilities, is strongly evinced in the present instance, where a noble, otherwise distinguished for his enlightened method of managing states, has been found to add to his source of revenue by the coinage of light and counterfeit money of other states."⁵² In the opinion of the Government of India it was desirable to keep the mints under the direct control of the Jaipur Durbar and not to delegate the right of coinage to the petty Rajas and thakurs of the state. The Agent to the Governor-General for Rajputana was, therefore, directed to call upon the Jaipur Durbar "to take such measures for keeping the control of the power of coinage in its own hands as shall satisfy the British Government that an abuse of this kind will not again be possible."⁵³ The Government of the North-Western Provinces was at the same time instructed to warn the firms and bankers at Agra, Mathura, Ajmer etc. that in future the law would be rigidly enforced against them if they were concerned directly or indirectly in these illegal transactions.⁵⁴ Aitchison remarked in an office note : "Coinage of money of other states was an offence against those states and should be absolutely prohibited. The receiving and circulating of these light counterfeit coins of other states which were issued

51 Ibid. F. C. (A), Oct. 1868, No. 17.

52 F. C. (A), July 1868, No. 13.

53 Ibid.

54 Ibid.

from Jeypore is in British territory an offence punishable under Chapter XII of the Penal Code..."⁵⁵ With a view to putting a stop to the debasement of coinage which was widely practised in the princely states, the Finance Department subsequently suggested the issue of a supplementary order entirely in consonance with Aitchison's opinion that a princely state should manufacture its own coins and in no case the coins of other states or of extinct dynasties.⁵⁶ It was also laid down that only so much could be coined as would be absolutely necessary for currency in the state.⁵⁷

The Agent to the Governor-General for Rajputana, instead of communicating the Government's order to the Jaipur Durbar, argued at length in favour of its modification. The illicit manufacture of counterfeit pice in Khetri was carried on without the knowledge of the Raja and resulted from lax supervision or no supervision at all. In the European sense of the word, Jaipur possessed no sovereign rights in Khetri, the chief of which exercised complete civil and criminal jurisdiction in his own territory. Throughout Rajputana the relations of the acknowledged rulers towards the minor chiefs and nobles were undefined. In this state of things it would not be advisable for Government to act with an explicit and public declaration of

55 F. C. (A), July 1868, Nos. 11-13.

56 F. C. (A), Nov. 1861. No. 1. It was reported in 1871 that the Nawab of Loharu had been manufacturing counterfeit coins in his mints. Enquiries revealed that "merchants in various parts of the country had been in the habit, for many years, of sending copper to the Nawab of Loharoo who turned them into coins." The Government of India took serious notice of this matter. The Nawab was ordered to close his mint and informed that "any attempt to reopen it, or to coin money or to allow it to be coined within his territory, will be visited with severe displeasure of the Government." F. C. (A), May 1871, No. 11.

In 1850 there were 52 mints at work at Loharu, all run by Marwaris. In 1852 all of them were closed. But in 1869 the Loharu Durbar permitted the reopening of them. F. C. (A) May 1871. No. 5.

57 Panikkar, *op. cit.*, p. 85.

its intention.⁵⁸ An arbitrary order to suppress the Khetri mints would be hailed by the Jaipur Durbar as an excellent opportunity of asserting additional authority over Khetri. Moreover, the measure would be highly unpopular throughout the minor principalities, by which it would be regarded as an encroachment on their rights.⁵⁹ Other nobles in Rajputana had mints. It was quite possible that resistance might arise. Considering the antagonistic position of the great rulers towards the minor chiefs and nobles it would be advisable, the Agent suggested, to confer on him general authority to endeavour to have the mints of nobles in Rajputana abolished by inducing the rulers to grant due compensation in cases where the privilege had long been enjoyed.⁶⁰

In the light of these observations the Government of India partly rescinded its original order, and authorised the Agent to address the several chiefs on the subject of limiting the privilege of coining as much as possible. The following principal objects were to be kept in view during the negotiations :⁶¹

(1) Mints must be established and worked only at the capitals of those rulers who possessed a right to exercise this attribute of power, and they should be worked under their control and supervision.⁶²

(2) Mints in the territories of subordinate and feudal chiefs and nobles should be abolished and compensation should be given by their suzerains to those thakurs and others who had so long usurped or exercised the power of coinage, and whose revenues would be impaired.⁶³

In the following year the possibility of introducing a uniform currency came under discussion. Various factors led the

58 F. C. (A), Oct. 1868, No. 16

59 F. C. (A), Oct. 1868, No. 20 ; office note : F. C. (A), Oct. 1868, Nos. 16-20.

60 Office Note : F. C. (A), June 1872, Nos. 15-24.

61 F. C. (A), Oct. 1868, No. 20.

62 Lee-Warner, *op. cit.*, p. 311.

63 F. C. (A), Oct. 1868, No. 20 (Charwa and Surajghar mints were closed permanently in 1869).

Government of India to take up the matter *de novo* and possibly the situation then prevailing in Mysore and Hyderabad was treated as an important factor. Hyderabad was under a regency administration sanctioned by the paramount power and Mysore under direct British management. The Government of India considered this high time to take away from them the right of mintage as the office note recorded by H. M. Durand fully testifies. Durand observes : "The present is a favourable time for bringing forward some practical measures upon this subject, for Mysore and Hyderabad are now under our management, and if all such opportunities are steadily made use of, there would be progress made in getting rid of native coinage and all its attending inconvenience."⁶⁴ Keeping this in view the Finance Department asked the Foreign Department to prepare a statement of the mints existing in the territories of the different princely chiefs, and of the titles, character, amounts and value of the coinage of each, with some account of the conditions under which the coin was manufactured, and the charges made for the conversion of bullion into coin.⁶⁵

The Foreign Department was further requested to consider "whether any measure could be adopted to induce the several Native chiefs, or any one of them to forego the privilege of issuing coins and to close the mints, or if that appear impossible, to assimilate the coins of the Mints, in every respect except the device, to that of the Government of India, to legal currency in their territories on the condition that the coin of their Mints be in like manner allowed currency as legal tender in British territories."⁶⁶ It was "a needful condition" of such an arrangement that the management of these mints was to be subject to such stipulations as might be imposed by the Government of India with the view of "ensuring the standard, purity and weight of the coin."⁶⁷

64 Office Note by Durand : F. C. (A), July 1869, Nos. 1-2.

65 F. C. (A), July 1869, No. 1.

66 Ibid.

67 Ibid.

Accordingly reports regarding the mints of the chiefs then in working condition were secured from Political Officers, attached to various Durbars. Opinions differed as to the possibility of regulating in any way the action of the local mints. The Resident at Hyderabad deprecated any such endeavour and in concluding his report observed : "...the prerogative of coining is one on which the independent native government set so much value, that I feel confident that any measure which might be taken on the part of our Government to interpose any restrictions on its exercise, or in anyway to regulate the action of the local mints, would be viewed with considerable distrust and alarm."⁶⁸ General Daly, the offg. Agent to the Governor-General for Central India, was of different opinion. He thought that "the assimilation of coin of mints in Native states having the device of the state as distinguishing symbol would be practicable."⁶⁹ This arrangement, he observed, would be convenient for the people. He wrote : "...with railways and the extension of commerce and communication, the inconvenience and loss which people will sustain in having to deal with coinage comparatively useless to them outside the district they inhabit will bring to light the benefits of a coinage which will be universally received without the intervention of a broker."⁷⁰ But he pointed out the need for securing the consent of the big states : "Confusion and fraud prevail chiefly in the small states and holdings, and that in the territories of Sindhia and Holkar the Chandoree and Halee currencies circulate, and are accepted in a way less disadvantageous ; but if the question of a general uniform coinage is to be dealt with effectually, the assent of the big states must be first sought. This accomplished, the rest will soon follow."⁷¹ Colonel Keatinge, Agent to the Governor-General for Rajputana, abstained from expressing any opinion on the general

68 Office Note : F. C. (A). June 1872, Nos. 15-24 ; Resident letter no. 82, 6 Sept. 1869.

69 Letter No. 7F-60, 23 March 1870.

70 F. C. (A), Nov. 1870. No. 13.

71 Ibid.

question. But he recommended the abolition of the mint at Shahpura, because the political position of the state, in his opinion, was not such as to confer upon it the privilege of coining. He was, however, in favour of retaining the mints of Bundi, Kota, Tonk and Jhalawar. The two former states were, he said, very ancient establishments, while the abolition of the two latter was likely to inflict hardship on the population of the villages which Tonk and Jhalawar possessed in the Central India Agency.⁷² Colonel Keatinge also stated that there might be difficulty in suppressing the mints at Salumbar and Mewar without the interposition of the paramount power.⁷³ The Political Agent at Manipure reported : "Copper coin does not circulate at all in this state. An attempt was made some years ago to introduce pice in lieu of the bell-metal coin of the country, but the attempt failed utterly, and had to be abandoned. The coins in circulation in Manipore are British and Burmese rupees, both representing the same value, eight anna, four anna, and two anna pieces and the bell-metal coin of same value peculiar to the country. Copper coins are looked upon with suspicion, their value not being recognised."⁷⁴

On a perusal of the reports despatched by the Political Officers Aitchison observed : "The power of coining money being one of the most valued prerogatives of sovereignty, I do not think that we have any right to compel a sovereign state to relinquish it. That any sovereign would willingly surrender it is, to my mind, utterly improbable."⁷⁵ In regard to the suppression and control of the Durbar mints he observed : "I think we should go no farther than as follows...where the Mints have either been suppressed altogether, or have not been in active use within the last 5 years, their revival or opening should not be permitted."⁷⁶ Thus the Sawantwadi mint, abolished

72 Letter No, 7F-60, 23 March 1870.

73 Ibid.

74 Ibid.

75 Office Note by Aitchison : K. W. Nos. 1-3, F. C. (A), Nov. 1870, Nos. 3-27,

76 Ibid,

in 1845, would not be reopened. The same would apply to the mints at Janjira, Kolhapur, the Southern Maratha country, Mahikanta, Surat, the Panch Mahals, Kandesh, Satara, Mysore, Rewa and the Bundelkhand states generally, Dungarpur, Sirohi, Bahawalpur and Kulsia. He further observed : "Should any number of the chiefs indicate a readiness to adopt an international coinage, the propriety of establishing a new Mint at some convenient place, such as Neemuch or Agra, might be considered. The profits of the Mints to go to the Native states employing it for the manufacture of their coins."⁷⁷

That the object (*i.e.* either the assimilation of coinage or suppression and regulation of mints) could be attained only by means of negotiations with the large states, was fully realised by Aitchison. He said that the state of Bhownagar abolished its mints and the British Government granted the state Rs. 2,793/- a year on this account. But the Maharaja of Kashmir refused to make use of the Calcutta Mint and preferred to retain his own coinage. Therefore he held the opinion that in the outlying states, such as Kashmir, the local coinage which was confined to a definite area and did not come into play in general mercantile transactions should not be interfered with. The only parts of India where an attempt to influence princes and chiefs in the matter might be efficacious were Central India and Rajputana. If any scheme succeeded there, Aitchison observed, it would not be difficult to adopt it elsewhere. But he disclaimed to put any pressure on the chiefs in these regions and wanted the Political Officers to approach them very cautiously.⁷⁸ Discussion of the matter "individually with them in conversation" was to be preferred to written communications. The "capabilities of the Mints in Calcutta and Bombay, which are able now to turn out coins sufficient for the requirements of the whole of India" were to be explained to them. They were to be given assurances. If any chief desired to assimilate his coins in standard, purity and weight to those of the British Govern-

⁷⁷ Office Note by Aitchison : K. W. No. 3, F. C. (A), Nov. 1870, Nos. 3-27.

⁷⁸ Ibid.

ment, and gave sufficient guarantee that this would be done, Government should be prepared to consider how far the coins of that state could be made a legal tender in British India. The device and inscription of the coin would be such as the prince might choose. The Government should either supply the chiefs with blanks to be stamped by themselves, or arrange to issue the coin from the Government mints stamped with their device.⁷⁹

In the case of the *Sanad*-holding states, which had for long exercised the privilege of coining without objection from the Government of India, Aitchison thought it better to let matters remain as they were, even though it might not be possible to trace the conditions under which their mints were established. Some, for example, Cochin and Pudukottah in Madras, and the Cis-Sutlej states, only coined occasionally. In process of time they would probably, like Sirohi and Dungarpur, cease to issue coin at all. In 1847 there were 10 mints at work in Sindia's dominion ; these had been reduced to 5. Formerly there were several mints in Kashmir ; the existing number was only one. The mint in Sawantwadi, which was a treaty state, had been closed for the last twenty years. As the means of communication increased, and the larger states which required considerable issue of metal currency every year resorted to machinery in order to diminish the cost of manufacture—as Holkar had done and Sindhia contemplated doing—the smaller states, with only rude hand processes to depend on, would have to succumb. They might issue a few pieces in honour of a state marriage, but this would not affect the market in any perceptible degree. But the holders of bullion would resort to those who could afford to reduce their charge on account of seigniorage. Aitchison concluded : “I would therefore prefer to await the action of time, rather than take away from our feudatories the privilege which they prize so highly, and the loss of which would in their opinion degrade them in the eyes of their contemporaries.”⁸⁰

79 Ibid.

80 Ibid.

Mayo studies Aitchison's note very carefully and endorsed his views without any reservation. He shared the Secretary's view that the Government of India should not take any precipitate action in the matter beyond instructing the Political Agents to point out to the chiefs the general advantages which would result from making Indian coinage more uniform and assimilating the coinage of the states, as far as possible, to that of the paramount power. Mayo remarked : "I am certainly opposed to entering into any communication with them (*i.e.* the rulers) as to the interchange of their coins for ours, unless such were manufactured by us, though, perhaps, they need not be stamped in British Mint. On the whole, however, I am averse to meddling with Native states, in these matters. It always raises suspicion, and frequently defeats its own purpose, and I think we are rather disposed to tease them too much."⁸¹ But he was opposed to the establishment of new mints by states which had not upto that time continuously exercised the right without question by the Government of India.

After carefully considering the reports of the Political Officers and the lengthy observations of Aitchison, the Government of India thought it inexpedient to put any pressure on the chiefs in respect of the mints which they had a right to maintain and recorded in October 1870 a confidential Resolution⁸² which dealt with the whole question of uniform currency. There were serious objections (the resolution stated)—"both on political and general grounds"—to closure of the mints in the states, as also to transfer of their management to the Government of India. But the Political Officers might point out to the chiefs "how advantageous it would be for them to co-operate in making the Indian coinage more uniform, and in assimilating it, as far as possible, to that of the British Government." It was hoped that the rulers might "gradually be brought to perceive the benefits which a measure of this kind

81 Note by Mayo : K. W. No. 3. F. C. (A), Nov. 1870, Nos. 3-27.

82 F. C. (A), Nov. 1870, No. 25. Resolution No. 402F, dated 6 Oct. 1870,

is likely to confer on their subjects, and that in course of time they may be induced either to stamp their own devices on blanks obtained from the British Government, or to make their coins as similar as possible in value and shape to those which are in general use throughout British India." It was hardly "to be expected that the principal Native states should willingly surrender the right of coining, which is one of their most cherished prerogatives ;" but the Government of India was "not prepared to sanction any authoritative interference in the matter." If, however, a chief showed a disposition to close his mints and asked Government of India for assistance in changing his coinage, he would receive every encouragement to do so. Those who were not inclined to close their mints should be informed that the Government of India was willing to help them to procure good machinery and to improve their assay and process of coining. It was clearly stated that mints which had either been "suppressed altogether," or had not been "in active use within the last five years," would not be permitted to be revived or reopened. Nor could a new mint be established in a "state which had not upto the present time continuously exercised the right of coining without question by British Government."

Copies of the correspondence were forwarded to the Secretary of State who agreed that few chiefs who possessed the privilege of minting would be likely to resign it their own free will. He approved the abolition of the mint at Shahpura.⁸³ His despatch was discussed in detail in the Governor-General's Council and though opinions differed as to the possibility of assimilation of coinage, it was finally decided that it would be inexpedient to make any general address to the Political Agents on the subject. The Government of India informed the Secretary of State that "a long interval must elapse before the Native states of India are in a position to appreciate the advantage" of assimilating their currencies with the currency of British India. It was expedient "to leave the attainment of this most

83 Political Despatch from the Secretary of State, No. 24, 16 Feb. 1871.

desirable result to time, to the gradual perception by the Native chiefs of the necessities of the case, as intercourse and commercial communications increase with the development of railways."⁸⁴

The policy of the Government of India was thus laid down in clear terms. Henceforth it refrained from forcing any state to abandon its right of coinage ; but it did not remain idle when opportunities appeared. For example, full advantage was taken of the minority of the Maharaja of Bharatpur and the government rupee was introduced there at that time. Captain Powlett, the Political Agent, suggested that advantage should be taken of any other minority that might occur in order to pursue a like course and thereby avoid the necessity of making direct attacks on the right of the chiefs to coin money. The British Indian copper coinage was introduced into the states of Rewakanta in 1872 on the understanding that no more coin should be issued by the states from their own mints, and that only British coin should not be issued at a discount.⁸⁵ Similarly the Maharao Raja of Alwar, during his minority, entered into an agreement⁸⁶ with the Government of India in 1877, under the Native Coinage Act of 1876, for supply (from Calcutta Mint) of silver coins bearing the Alwar device. He undertook to abstain from coining silver in his own mints for 30 years. In some states, as in Porbandar, the British coinage was introduced. The tendency of the Government of India to avail of all such opportunities was amply illustrated in the 13th Article of the Mysore Instrument of Transfer which made British Indian coin legal

84 F. C. (A), June 1872. No. 23. Bushby, G.G'S Agent in Bundelkhand, had written more than twenty years ago : "When they (*i. e.*, the princes) discern that they have an interest in common with the rest of Indian in the measure they may be induced to acquiesce. But the time for such intelligence is, I imagine, yet at a distance." F. C. (A), 20 June 1851, No. 115.

85 Aitchison, *Treaties, Engagements and Sanads*, Vol. V p. 251. (ed 1876) Also F. C. (A), September 1872, No. 1. Financial Resolution No. 1858, 31 March 1871.

86 *Imperial Gazetteer of India*, Vol. V, p. 259.

tender in that state. That Article laid down : "All laws and rules for the time being applicable to coin current in British India shall apply to coins current in the said territories. The separate coinage of the Mysore state, which has long been discontinued, shall not be revived."⁸⁷ Indore voluntarily agreed to surrender its right of mintage. Sir Madhava Rao, the Holkar's Minister, expressed the desire of his master to forego the right of mintage and made a spontaneous offer to conclude an agreement with the Government of India.⁸⁸ The Holkar agreed to transfer to the Government of India, for 99 years, the exclusive right of coining money for use and circulation in his territories. He asked for a sum of Rs. 20,000/- as compensation for the loss of seigniorage resulting from the abolition of his mints during the period for which the agreement would remain in force.⁸⁹ The matter was held in abeyance pending the passing into law of the Native Coinage Act in 1876. Later the proposal was discussed by the Government of India. Its general tendency was approved ; but it was urged that the temporary and uncertain nature of the agreement was a serious drawback, and that the only safe basis of negotiations would be perpetual abnegation of the privilege of coining on the part of the Indore state.⁹⁰

It would appear from this brief survey that, so far as the mints and coins in the princely states was concerned, the Government of India pursued a moderate policy based on a more or less scrupulous regard for the rights of the chiefs which were based not only on treaties and written engagements but also on custom and tradition. In this sector at least there was no undue interference in their internal affairs or overzealous encroachment upon their autonomy.

87 Lee Warner, op. cit., p. 76. Panikkar, *Indian States and the Government of India*, p. 84.

88 F. C. (A), April 1876, No. 9.

89 Despatch from the Government of India to the Secretary of State, No. 270, 9 Aug. 1875. F. C. (A), April 1876, no. 14. F. C. (A), March 1880. No. 47.

90 F. C. (A), April 1876, No. 14.

Salt Agreements (II)

The rates of duties on salt were different in different provinces of India. This lack of uniformity was further complicated by the collection of transit duties and tolls on all roads and navigable rivers. The result was that the internal commerce of the country, subjected as it was to innumerable vexatious imposts, artificial checks and restrictions, came to be harassed and hard hit. The inconvenience caused by these local imposts was truly realised by Sir C. Travelyan, a prominent member of the Bengal Civil Service, and on his recommendation these injurious local duties were abolished ; but the duties on salt were fixed at higher rates. Between 1869 and 1877, in lower Bengal the duty on salt was fixed at Rs. 3—4, in the Upper Provinces at Rs. 3/- and in Madras and Bombay at Rs. 1—13.⁹¹ The salt duty in the Punjab increased after the annexation of that province.

The most important salt sources were situated in Rajputana. The adjoining British territories in the United Provinces, Agra, Oudh and some parts of Central India obtained their supplies of salt at comparatively cheaper prices from the Rajputana salt sources. [The Rajputana salt was comparatively cheap as it was not subjected to any local taxation whereas the prices of the salt supplied by the British Government to its subjects were higher on account of its being subjected to British Indian tax.] There was a vigorous tendency on the part of the Rajputana salt traders to despatch, even after paying various vexatious imposts and transit duties *en route*, untaxed or lower taxed salt into the British provinces where it was highly taxed. As a result the contiguous British territories were flooded with Rajputana salt. [Apart from the lower cost, the people of these places also preferred to consume Rajputana salt on account of its being superior quality.]

From the point of view of the British Government the only way left to safeguard its revenue was either to suppress the

91 J. Stratchey and R. Stratchey, *Finances and Public Works of India* (1869—1881), p. 219.

manufacture of salt in the states of Rajputana or to prevent its entry into the British territories. The former course was impossible without having treaty agreements with the states possessing salt sources, and therefore it resorted to the latter alternative. A preventive line, known as the Inland Customs Line, was established to shut out the cheaper Rajputana salt from the British Indian provinces. "The Inland customs line was first formed on the frontier of the North-Western provinces under Act XIV of 1843. Since then it was gradually extended, until in 1870 it exceeded 2,500 miles in length...It was guarded by nearly 10,500 officers and men stationed at some 1,800 posts, the distance between which varied from half a mile to four miles."⁹² It consisted for the greater part, to quote the words of Sir John Stratchey, of "great impenetrable hedge of thorny trees, and evil plants and stone walls, and ditches, through which no man or beast can pass without being stopped and searched."⁹³ The object of the Line was, as stated above, to levy duty on all salt entering British territories across its cordon.

But smugglers and interlopers still baffled the vigilant eyes of the customs officers of the British Government and continued the contraband trade more or less easily by eluding its officers. The loss thus sustained, coupled with expenses connected with the maintenance of the Inland Customs Line, led the British Government to think in terms of the abolition of the line. Her Majesty's Government and the Governor General in Council were very decidedly of opinion that this was a state of affairs which must cease to exist. "Her Majesty's Government in England and India have been actuated solely by the conviction that the line as it now stands, an artificial barrier stretching along 1,500 miles of the country, necessitating the stoppage and examination of every individual, every package, and every vehicle that has to cross it, and serving as an instrument for the levy of a transit duty on sugar, is an anomaly, a relic of bar-

92 F. C. (A), April 1880. No. 35.

93 Ibid.

barism, that go really civilised and enlightened Government can continue to tolerate. It is in view to the removal of a grievous hindrance to the trade and traffic alike of its own subjects and those of its friendly and protected Native princes...that the British Government have decreed to the abolition of the line..."⁹⁴

But before the Line could be dispensed with some fiscal or administrative arrangements with the salt-producing states of Rajputana was deemed necessary. The first step in this direction was taken by Lord Mayo's Government in 1859 when under the treaties with the Jaipur and Jodhpur states, the most important of the salt sources of Rajputana, the Sambhar Lake, was leased to the British Government. The Sambhar Lake Agreement was an experimental measure and upon its success depended the future policy which the British Government contemplated for safeguarding its salt revenue.

The Sambhar Lake was owned jointly by the Maharajas of Jaipur and Jodhpur. The British Government first approached the Jaipur Durbar and after some preliminary dialogue the Maharaja agreed to lease his share of the lake and accordingly a treaty was concluded with that state.⁹⁵ While approving the arrangements concluded with the Maharaja of Jaipur the Duke of Argyll, Secretary of State for India, remarked "that those arrangements could also be concluded with the state of Jodhpur."⁹⁶ Hence attempts were made to bring the Jodhpur Durbar to subscribe to the arrangements already made with Jaipur. But the Jodhpur Maharaja was a hard nut to crack; when he was approached by the British Government for the conclusion of a similar treaty as that of Jaipur, the Jodhpur Maharaja raised difficulties. Since the Ajmer Durbar, when Takht Sing was the Maharaja of Jodhpur, the relations between the Government of India and the Jodhpur Durbar had been

94 P. C. (A), Oct. 1879, No. 237. Collection A, Exhibit 5. Memorandum by A. O. Hume, 12 Feb. 1877.

95 *Aitchison, Treaties, Engagements and Sanads*, Vol III, pp. 76-89.

96 P. C. (A), Nov. 1870, No. 242.

very strained. Because of his misconduct at the Ajmer Durbar and his refusal to occupy a seat below the Udaipur chief, the Maharaja (*i.e.* Takht Singh) lost two salutes. Takht Singh considered this as an insult on him and so long as he was alive (till 1873) he was not in good terms with the British Government. To his personal disinclination was added "the opposition of all his nobles and of his household, whose prejudices were strong against admitting British revenue officers within their territory."⁹⁷ The stern attitude of the Maharaja and his entourage very much offended Mayo; the Governor-General thought of "taking such steps as would prevent him sending a pound of his salt by our Railways."⁹⁸ But the Maharaja ultimately gave way and actually a treaty was concluded in 1870, by which the Jodhpur share of the lake was leased to the British Government.⁹⁹ A Proclamation was issued by the Jodhpur Government exempting from all duties convoys of salt covered by a British pass while passing through the Marwar territory.¹⁰⁰ As a result of the Sambhar Lake treaties the British Government occupied that position with reference to the manufacture of salt which had hitherto been held by the chiefs from whom they had been leased. At the same time the connection of the lake with Delhi and Agra by railway was sanctioned and subsequently completed. The completion of the railway struck a heavy blow at the root of the transit duties levied by the Indian chiefs, for Sambhar salt was thenceforth carried by railway routes and the people of India obtained supplies of salt at cheaper price. The opening of railway virtually stopped smuggling.

The Sambhar Lake treaties included many important articles relating to the management, supervision, regulation for manufacture of salt and prevention of smuggling, etc. By Article I

97 P. C. (A), Jan. 1870, No. 71.

98 Mayo Papers.

99 Aitchison, *Treaties, Engagements & Sanads*, Vol. III, pp. 116-120 (ed. 1876).

100 Mayo Papers; P. C. (A), May 1870, No. 389.

of the treaties both Jaipur and Jodhpur Maharajas agreed to lease to the British Government their "right of manufacturing and selling salt within the limits of the territory bordering on the Sambhar Lake...and of levying duties on salt produced within such limits." In consideration of the lease the British Government agreed to pay to the Jaipur Government, in two half-yearly instalments, an annual rent of Rs. 1,25,000/- on account of that Government's share in the salt sold within the said limits, and Rs. 1,50,000/- in compensation for duties on salt formerly levied by that Government and surrendered under the agreement. The total sum of such annual rent amounting to Rs. 2,75,000/- would be paid without reference to the quantity of the salt actually sold in, or exported from, the said limits. Besides the net financial gains, the Jaipur Government was entitled to receive, "annually at the place of manufacture from the British Government, for the consumption of Jeypore state, any quantity of salt which the Jeypore Government may demand, not exceeding one hundred and seventy two thousand British Indian maunds (1,72,000) paying for the same at the rate of 9 annas (British currency) per maund." The Jaipur Government would be at liberty to sell such salt at any price that it might fix. The Jodhpur Durbar, in consideration of surrendering its share to the British Government, was to receive a payment of Rs. 1,25,000/- per annum. Moreover, both the Durbars were to receive a royalty of 20% on the price per maund of salt sold or exported in a year by the British Government in excess of 8,25,000 maunds and 7000 maunds of good salt a year, free of all charges, for the use of the Durbar. There was, however, some discrimination against Jodhpur. There was a provision of 1,72,000 maunds of salt for the consumption of the Jaipur state, but no such arrangement was made with the Jodhpur Durbar. Again, while Jaipur was assured of an annual payment of Rs. 1,50,000/- in compensation for export duties, no such compensation was assigned to Jodhpur. But the Jodhpur Maharaja concluded a second treaty in April of the same year handing over to the British Government a lease of Nawa and

Gudha marts which formed his separate property on the Sambhar Lake.¹⁰¹

The British Government concluded the Sambhar Lake treaties with a view to protecting its salt revenue which was being injured by the ingress of untaxed salt from the states of Rajputana. As a result of these agreements the Sambhar Lake came under the direct control of the British Government. But unless clandestine manufacture of salt and the sale of the same could be completely wiped out the British Government would not derive any appreciable benefit from the measure. It was, therefore, necessary on the part of the British Government to exert strict vigilance to achieve the purposes and the whole scheme was bound to suffer disaster unless representatives of the British Government were given full access in the Sambhar Lake area to detect and stop unauthorised manufacture, confiscate the contraband salt and punish the offenders. By Article 3 of the treaties both the Jaipur and Jodhpur Durbars empowered "the British Government and all officers appointed for such purposes to enter and search, in case of suspicion, house, and all other places, enclosed or otherwise, within the limits (*i.e.* the Sambhar Lake area)...and to arrest and punish with fine, imprisonment, confiscation of goods, or otherwise, any and all persons detected within such limits in the violation of any other rules or regulations which the British Government would lay down in regard to the manufacture, sale or removal of salt, or the prevention of unlicensed manufacture of smuggling." These punitive measures were considered necessary for "without power to punish petty thefts, the work at the lake could not go on for a single week without serious injury to the British Government."¹⁰² Accordingly the Sambhar Lake Court was established and the Government of India appointed Robert Macneilledge Adam, Assistant Commissioner in charge

101 Aitchison, *Treaties, Engagements & Sanads*, Vol III, pp. 121-125 (ed. 1876).

102 P. C. (A), May 1870, No.358. From Hume to Keatinge, Agent, G.G. for Rajputana.

of the British Inland Customs Department at Sambhar Lake, to be judge of this Court. He was invested with the power of a subordinate Magistrate, 1st class, as described in Section 22 of the code of Criminal Procedure.¹⁰³

The Government of India decided to assume the control of the lake on 1 February 1870. But there was no detailed code of rules for the guidance of the judge, nor for the management of manufacture, carriage, storage and sale of salt and the prevention of illicit manufacture and the smuggling of salt. Pending the preparation of a code of rules some provisional arrangements were made and in accordance with the recommendations of Hume, the Commissioner of Inland Customs, the Government of India, invested Adam, for six months, with powers to decide all cases connected with the theft or robbery of salt which would initially come up before him. In all his proceedings he was to be guided generally by the provisions of the criminal procedure and Penal Codes and other laws in force in North-Western Provinces.¹⁰⁴ In a letter to Aitchison, Secretary to the Government of India, Hume expressed his apprehension of some "other difficulties of a political character ...to be contended with."¹⁰⁵ He wrote: "Native states are not like our territories, and the orders of the Durbars are not carried out by subordinates in the loyal spirit that might be looked for. The whole population, official and non-official, of this neighbourhood will, by our advent, be deprived of illicit gains of which it is impossible to form any correct estimate. For the first few years at any rate every loser whose interests is our success we fail to enlist will do his best to impede us."¹⁰⁶ Actually the Government of India had to face non-co-operation from the *Hakims* of Nawa and Parbatsur who refused to comply with the injunctions of the Jodhpur Durbar to render the customary assistance in the matter of supplying labour to the lake

103 P. C. (A), May 1870, No. 372.

104 P. C. (A), May 1870, No. 360.

105 P. C. (A), May 1870, No. 338.

106 Ibid.

and put the British customs officers in a most embarrassing position. The R. A. C. (Revenue, Agriculture and Commerce) Department of the Government of India wanted the Foreign Department to bring the matter to the notice of the Jodhpur Durbar and to put pressure on the disobedient *Hakims* through the Durbar "for the purpose of impressing labour in their towns or villages and sending them off to the Sambhar Lake."¹⁰⁷ But the Foreign Department of the Government of India, considering the unsatisfactory nature of relations between it and the Jodhpur Durbar as also between the Durbar and the barons, declined to interfere.¹⁰⁸ The Government of India instructed Hume as follows: "No effort should be spared to obtain the confidence and good will of the chiefs and people resident near the lake, and to avoid disputes with the officials of the Jeypore and Jodhpur Governments."¹⁰⁹

The states of the Indian chiefs were foreign territories, and the officers of the British Government, although permitted access in their territories to detect cases of illicit manufacture and smuggling, were not invested with unbridled powers of doing whatever they liked. Such wide conferment of powers and their arbitrary exercise might have wrecked the political relations between the Indian states and the Government of India was very careful of this aspect of the issue, and therefore lost no time in drawing up a detailed code of rules for the guidance, in all matters, of the customs officials stationed at Sambhar and incorporated in it provisions having the force of law.¹¹⁰

Lord Mayo, on more than once, asserted the view that the Sambhar negotiations must follow the establishment of railway link between Sambhar on the one hand and Delhi and Agra on the other and unless this was done the benefit of the control of lake would remain unrealised. But nevertheless the assumption

107 G. C. (B), Oct. 1871, No. 57.

108 Ibid. P. C. (A), May 1880, No. 360.

109 P. C. (A), May 1870, No. 360.

110 P. C. (A), May, 1870, No. 380.

of the lake by the British Government had had, without the aid of the railway, the effect of cheapening salt in British territory. Moreover, the careful supervision of English officers over the sales and deliveries, and the consequent absence of opportunities on the part of native subordinates to peculate and extort fees from the traders, the speedy clearances of despatches and the generally satisfactory and the business like nature of British arrangements may be accounted for the reduction of the price of the Sambhur salt."¹¹¹

One of the articles of the treaty under which the lake was leased provided for the abolition of all transit duties on salt *en route* from the lake through the Jaipur territory to British territory. Formerly, before the lake was leased, 5 annas 4 pies per maund was paid to the Jaipur state and 2 annas more to thakurs on the road of Agra. The abolition of the charges had considerably lessened the price of salt in British territory. A table¹¹², stated below and carefully prepared by the Deputy Commissioner, Adam, is a sufficient testimony to the general results on the price of the Sambhar salt after the lake was handed over to the British Government.

Name of the Mart		Prices previous to the assumption of the lake. per maund			Prices per maund after the Negotiations		
		Rs.	As.	P.	Rs.	As.	P.
Bhiwani	Out side the customs line.	1	14	0	1	5	6
Rewari		1	13	5	1	5	6
Delhi		5	8	0	5	1	3
Agra		5	8	0	4	11	0
Jhansi		6	4	0	5	0	0
Sagar		5	12	0	4	12	0

The great decrease at Jhansi and Sagar was due to some extent to the pressure brought on the *banjaras* by the railway

¹¹¹ R. C. (B). Dec. 1870, Nos. 7-8. Memorandum by G. H. M. Batten, Commissioner of Inland Customs, on the result of the leasing of the Sambhar Lake by the British Government, 5 July 1874

¹¹² *Ibid.*

competition. In the case of Jhansi the East India Railway bringing salt from Agra to Kanpur, and in the case of Sagar, the imports by Great Indian Peninsula Railway from Bombay to Narsinghpur and Jabalpur, competed with the direct importations of the *banjaras* and forced them to lower their prices; but judging from the decrease of prices at Agra, something must be due to the arrangements at Sambhar, even in the case of Jhansi and Sagar. The lessening of the price of Sambhar salt in the markets mentioned above had forced down the price of other competing salt. Thus, Didwana, an inferior salt to Sambhar, had at Bhiwani diminished from Rs. 1-12-0 to Rs. 1-5-6, and at Delhi from Rs. 4-1 to Rs. 3-13-0. Pachbhadra salt had gone down to Rs. 5-4-0 at Jhansi, where it used to be Rs. 6-4-0, and at Sagar, where it used to be Rs. 6 per maund. Thus even without the railway to Sambhar the assumption of the lake by the British Government had not only been financially successful on the spot, but had had a very favourable effect on the price of the salt in British territory.¹¹¹

The Sambhar negotiations had thus been successful; it resulted with financial gain both to the British Government and the states of Jaipur and Jodhpur. The net annual revenue gained by them was larger than that which they had previously collected. The British Government reaped the largest profit—it obtained a lease of the whole Sambhar Lake and the complete control of its management. The assumption of the lake by the British Government ensured the increased supply of cheapened salt to its subjects in the Upper provinces of British India and a consequent rise of the British salt revenue.

The Sambhar salt negotiations thus attained all the objects which the British Government aimed at—it transferred the possession of the lake in the hands of the British Government and thereby guaranteed the supply of cheapened salt to its subjects: it augmented the annual revenue of the states of Jaipur and Jodhpur, though the Sambhar Lake Agreement made no provision for the payment of compensation to the chiefs and

the landholders of various grades and the treaty reduced the salt realisation of these category of people.¹¹⁴

Thus the arrangements at the Sambhar Lake, initiated and organised by Hume, worked admirably and the experience gained at Sambhar convinced the Government that it was possible to take over on lease the management and control of large salt works without engendering any friction with the rulers of the states or causing discontent to the people of the locality.¹¹⁵ With a view to abolishing the Inland Customs Line it was considered necessary to extend the Sambhar system to other salt-producing states. The exploratory work was entrusted to Hume on 22 January 1877 ; he was instructed "to secure to the British Government the complete control of all important salt works situated in the several states included within the Rajputana and the Central Indian Agencies and in Bahawalpur, with the right to levy the British duty on all salt there produced before it leaves the works, and with full powers to continue to work or to close any or all of these at any future period, as may from time to time appear desirable."¹¹⁶ He was further instructed to suppress completely all salt manufacture, whether overtly or under the guise of manufacturing salt-petre or other saline substance, throughout these states, except at such works which might come under the control of the British Government. He was also directed to secure the entire exemption from import, export, transit and other duties, of all salt, sugar and other saccharine produce throughout the Durbar territories with which arrangements were to be made.

These instructions were revised on 11 December 1877 when it was determined, upon grounds of political expediency, to invest the Agents of the Governor-General in Rajputana and Central India with a larger and more direct share in the conduct

114 P. C. (A), Oct. 1879, No. 235. From Hume to A. C. Lyall, offg. Agent to the G.G., Rajputana.

115 P. C. (A), April 1880, No. 10.

116 P. C. (A), April 1880, No. 1. (No. 3, Instructions to A.O. Hume on special duty : Issued by the officiating Secretary to the Government of India by order of the Viceroy and G.G. in Council.)

of the remaining negotiations.¹¹⁷ Hume was instructed to conduct the enquires in concert with the proper political officers who local knowledge and experience would be very much useful. Moreover, as political questions dominated over the whole course of the negotiations, the Agents to the Governor-General were considered the appropriate agencies for conducting the negotiations and removing difficulties of political kind. The British Government held itself responsible for looking after the interests and susceptibilities of the Durbers on the one hand and the contentment of the people on the other. These were matters which, in the opinion of the Government of India, required a wary and delicate handling. Any rash and unnecessary step on the chiefs might embarrass the success of the negotiations.¹¹⁸ The Agents, acquainted as they were with the temper of the chiefs and the character of the people, were the best instruments for fulfilling the object of the Government "without encroaching any friction with the Rulers of the states or causing discontent to the people of the locality."¹¹⁹ This led to the result of non-interference on the part of the British Customs officials with the internal administration of the states. But as the Agents were not conversant with commercial and fiscal matters, Hume's guidance was essential.¹²⁰ Hence Hume was to act as adviser and referee in all technical questions affecting the administration and security of salt revenue.¹²¹ By April 1876 Hume completed his negotiations and concluded agreements with the chiefs of the salt-producing states of Rajputana and Central India. From a careful analysis of these agreements the first thing that draws our attention is the fact that the states had to agree to suppress completely all the existing salt works in their territories. Any measure of keeping the works partially open to meet local consumption was liked neither by

117 P. C. (A), April 1880, No. 10.

118 P. C. (A), April 1880, No. 4 (From Thornton, Secretary to the Government of India to Lyall, Agent to the G.G. for Rajputana).

119 P. C. (A), April 1880, No. 11.

120 P. C. (A), April 1880, No. 5.

121 P. C. (A), April 1880, No. 12.

chiefs nor by the British Government. The imposition of taxation on salt made it dearer and there was a strong temptation of illicit manufacture of salt and of smuggling tax-free salt into the territories of the chiefs. The British Government, in order to prevent smuggling as well as to discourage illicit manufacture always urged upon the rulers and the chiefs to accept British customs officials for purposes of inspection. The right of the British Government to depute its officers within the territories of the Indian states was based on past precedents and it was not disputed. For example, the measures for suppressing *thagi* and dacoiti, which involved direct interference with the internal police of the country, were extended to Indian states with the concurrence and sanction of the rulers without any agreement.¹²² But the Indian chiefs, highly sensitive of their sovereign status, were strongly opposed to grant permission to any foreign agency to patrol through their states and interfere in their fiscal affairs. The officiating Agent to the Governor-General in Rajputana observed that the salt treaties resembled in many ways the opium agreements of 1826 or thereabouts and in his opinion the opposition of the rulers to accept British officials in the interior of their states, in the changed context, was due to the bitter memories of the oppressive character of the opium Agents who patrolled through their states.¹²³ Hume wrote : "What we really require...is our own officers and our own establishments work under our own orders in each state. It is needless to say that we cannot secure this. Our object therefore must be to secure in every state the nearest approximation to this...in some states they will absolutely on no terms accept any officers of ours, in others they will agree to almost anything we wish..."¹²⁴

Treaties were concluded not only with the states producing salt (or possessing salt sources) but also with the states which did not produce salt (or possessed no salt sources) such as.

122 P. C. (A), Oct. 1879, No. 234.

123 Ibid.

124 P. C. (A), Sept. 1879, No. 470.

British and Portuguese. The Government of India agreed to supply the necessary quantity of sulphur salt in a regulated form, at those times when the salt sources, the various sources, had been exhausted. On the terms of such sales the burden of taxation was not heavy. But since which had it all very different under the terms of the British Government they were obliged to consume full and paid salt and they had to purchase the required quantity from the British Government. The burden of taxation which fell on the people of that time was very heavy and the British Government may be held responsible for introducing this high rate of tax on salt. The British Government had not at all salt consumption, which is estimated at 100,000 tons per annum—per enormous quantities. It was not an excessive measure for commercial exploitation of salt was very essential. The British Government raised the tax on salt for consumption in India.

Secretary of State's instructions of 11 January, 1917 or June 1917 had been taken into negotiations with some war powers in India. The instructions could not be followed in the states and local circumstances in which the sales were situated were beyond the control of the British Government. The official of the British Government observed: "It is not possible to attach any great importance to preserving complete consistency of conduct in dealing with the salt matters. Consistency is impossible. The force of circumstances is a constant obligation to deal with cases as they may arise, on their own merits." There were states in Hyderabad and Central India which did not possess any salt works and if Sardar's instructions were followed rigidly, these states could easily be excluded as having nothing to do with the series of agreements concluded with the salt producing states. The local circumstances involved and various were considered with them though they did not directly pose any threat to the salt revenue of the British Government.

Let us deal with the case of Sardar's salt. The state of Sardar possessed a few unimportant salt sources which caused

to work for nearly 50 years. Hume sought to know from Stratchey whether Serohi belonged to the group of states possessing no salt and whether any negotiations should be entered with that state.¹²⁶ Serohi had been so long receiving its supply of superior salt from the Pachbadra Lake and from Luni Tract—two considerable salt sources which were within a short distance from the Serohi border and which the British Government was to take possession of very soon. Naturally the British Government, after obtaining their possession, would levy a duty on the Marwar salt consumed by Serohi in future. This levy of duty would make salt dearer and there was every possibility that the indigenous manufacture, long suspended, might be revived and in that event Serohi salt would attain an importance “unknown in the past.” This would also mean the growing up again of obsolete rights and liabilities. Keeping this possibility in view Hume was inclined to include Serohi in the scheme of negotiations. Besides there was another valid reason which induced him to include Serohi. He observed that Serohi was the highway by which Pachbadra salt was chiefly carried to certain well known passes through the Aravalli range, by which the salt reached Mewar and that the co-operation of the Serohi state might be subsequently useful in checking the smuggling of illicit salt from Marwar south-westward. No salt would be able to get through the aforesaid passes if Serohi authorities desired to stop it. Again, if Serohi was left outside the scheme the state would levy transit duties on all Pachbadra salt passing through its territory. Therefore, in order to secure the enfranchisement of salt from intermediate transit duties Hume strongly expressed his desire to negotiate an agreement with Serohi.¹²⁷ Stratchey became fully convinced with his arguments and despite there having specific instructions of not entering into negotiations with states possessing no salt Hume was permitted to open negotiations with Serohi.¹²⁸ By Article I of the Serohi.

126 P. C. (A), Sept. 1879, No. 563.

127 Ibid.

128 P. C. (A), Sept 1879, No. 564.

salt agreement the Rao of Serohi agreed "to prevent the making of salt within the limits of the Serohi state. This article thus ruled out the chance of the revival of the dormant salt works in Serohi. The treaty laid an embargo on the exportation and importation of salt from Serohi which had not paid the British duty.¹²⁹ It also abolished the transit duties on salt. No question of compensating the state for the loss of customs duty on salt arose as the state did not manufacture or levy such duty for nearly 50 years.

Again, the salt works at Jaisalmer were scattered and because of their isolated position they did not constitute any threat to the duty paid salt of the British Government. But the works had vast potentialities and could even compete with the British duty paid salt manufactured in the Marwar Daribas which the British Government proposed to lease if the quantity manufactured in Jaisalmer being increased and smuggled out of the state.¹³⁰ In that event the salt revenue of the Marwar Daribas might suffer huge losses. Hume recommended that the levy of a duty of one rupee on all salt manufactured above the present charges, and prohibition of export alone could protect the interests of the British Government. He believed that the levy of the one rupee duty, if carefully exacted, would make smuggling hardly worthwhile and the temptation of exporting salt would naturally fizzle out.¹³¹ In order to ensure further precautions it was proposed to check the practically unlimited outturn of salt. In other works the British Government insisted that the manufacture, in excess of the consumption of the population, should not be extended without the permission of the British Government. When the Maharawl of Jaisalmer agreed to these proposals they were embodied in an agreement and a treaty was actually concluded on the basis of these proposals. The remarkable feature of the Jaisalmer salt agreement was that the Maharawl did not close his salt works. He

129 Article II of the Serohi Salt Agreement.

130 P. C. (A), April 1880, No. 42.

131 P. C. (A), April 1880, No. 44.

kept his works open but the annual outturn of salt was fixed at 15000 maunds. The one rupee duty which the Durbar was required to levy over and above the usual charges appeared, in the opinion of the Agent, Governor-General for Rajputana, to be heavy.¹³² The people were thus subjected to such a burden of heavy duty in the interests of the British Government. The duty levied was sufficient to check materially the passage of salt through the state's territory into Bahawalpur.¹³³

Similarly, the Gujur state of Samthar in the Bundelkhand possessed no important salt sources. An insignificant quantity of local salt was manufactured there ; but considerable salt-petre works existed there. No agreement in the shape of treaty was concluded with that state. Like all other states of the Bundelkhand Agency an *ikrarnamas* was framed with the state by which the Maharaja agreed not to open any new works for the manufacture of salt in his territories or to the manufacture of chloride of sodium or edible salt to be continued at the existing works.¹³⁴ He also agreed to stop the export of salt therein manufactured or the import in his territories of any salt not covered by a British pass.¹³⁵ In return for these the Maharaja was offered, free of duty, 500 maunds of salt for the consumption of the state.

The taxation to which the superior salt was subjected to gave value and importance to these inferior salt works and it was apprehended that increased consumption of the tax free inferior salt might *protanto* diminish the consumption of the superior taxed salt, thereby causing damage to the revenue of the British Government. The only preventive measure was to arrest the development of the former from assuming any menacing proportion and in the various salt agreements made with the several salt possessing states, it was specifically stipulated that the manufacture of the *Khari* salt should be generally prohibited. To

132 Ibid.

133 P. C. (A), Sept. 1879, No. 680

134 Ibid.

135 Ibid.

this rule there were, however, some exceptions which were specified in the agreements. This deviation from general rule may be accounted for various reasons. The complete suppression of the manufacture of the inferior salt would entail great hardship on the poor people of the states. These people were accustomed to the use of inferior salt. The suppression of the latter would compel them to buy the superior salt at an enormously enhanced price. This would naturally appear to them to be a very loathsome measure and resentment would brew up against the British Government. Hume himself reported "that in Jeypore, for instance, the poorer classes had never paid more than 8 annas a maund for their salt ; and that the majority of them never pay cash for salt as all procure it direct from the manufactures in exchange of grain. This change from this state of things from money payment at the rate of Rs. 3-4-0 a maund will be very seriously felt."¹³⁶ General Daly also spoke in the same vein when he held that the suppression of the manufacture of the inferior salt, consumed by the poorer classes in the Sindhia's territories would affect the subsistence of thousands round Gwalior, and that with the introduction of the scheme the livelihood of the inhabitants of upwards one hundred villages would be gone."¹³⁷ But for ensuring "complete security" of salt revenue the total suppression of *Khari* was essential. Again in order to ensure total suppression the British Government would tighten the preventive measures and their subjection to a rigorous excise would have much adverse effect in their minds. The British Government escaped the odium of unpopularity by granting limited permission of the manufacture of earth salt by the poor folk.

The Government of India very well understood that complete suppression of the manufacture of the *Khari* would be impossible. While dealing with the Alwar case Thornton, the Offg. Secretary to the Government of India, even admitted that whatever might be the precautions taken, the poor classes would continue

136 K. W. P. C. (A), April 1880, Nos. 1-36.

137 Ibid.

to manufacture small quantity of earth salt of *khari* for domestic consumption. With elaborate arrangements at its command, he said, the British Government failed to desist the poorer people of Doab from manufacturing earth salt there. He observed that any attempt at the suppression of domestic manufacture would involve an amount of petty and vexatious interference, disproportioned to the objects aimed at.¹³⁸ It had no intention of interfering with the petty works capable only of yielding small quantities of bad salt. All that the British Government wanted was to prevent the development of the earth salt and the export of the same into neighbouring states or into British territories. "Whenever local salt manufacture was found existing in a state, and if it was judged that the manufacture might continue without risk of serious damage to the British revenue, the state was allowed the option of continuing it under certain restrictions, up to certain limits."¹³⁹ Thus, in Jodhpur state, the annual manufacture of 20,000 maunds of *khari*, or inferior earth salt, was permitted at certain specified works. This permission to manufacture earth salt was given because the British Government was sure that even with its continuance the consumption of superior British duty paid salt would remain unimpaired. Moreover, superior salt was so plentiful in this state that *khari* was little cared for, except for hide curing and similar cases. The local manufacture in Alwar was not capable of any considerable expansion ; rather the local sources were poor to a degree. Their annual outturn did not appear to have extended 30,000 maunds. As the Imperial revenue had nothing to be afraid of the domestic manufacture of Alwar, the British Government did not like to interfere with this little quantity of house manufacture. About the local salt of Alwar, the Collector of Customs remarks : "With petty domestic manufacture...we ought not interfere, and thus we shall avoid a great deal of ill-feeling. We might admit in all our estimates and

138 P. C. (A), Sept. 1879. No. 465.

139 P. C. (A), April 1880, No. 35. From Government of India to the Secretary of State for India, Para 9.

negotiations that a certain quantity of local salt may be clandestinely manufactured inside of dwelling houses every year in Alwar. Our revenue can only be endangered by open air manufacture carried on a large scale, and this could not go undetected if our officers at Alwar is even ordinarily vigilant.”¹⁴⁰ In Bikaner the manufacture of 30,000 maunds of inferior salt, in Mewar 15,000 maunds, in Gwalior 54,000 maunds in Datia 16,000 maunds and in Samthar 1500 maunds, was similarly permitted. All these states had to give undertaking that they would not extend the existing works or reopen the disused works. By Article I of the Kota salt agreement the state was permitted to manufacture 2000 maunds of *khari* salt for industrial purposes, but the outturn was not to exceed 10,000 maunds.¹⁴¹ The *khari* salt of Kota was very inferior in quality and quite unfit for human consumption. It was used only by the poorer classes. This concession was given to Kota on the recommendation of the Political Agent who reported that *khari* would not affect injuriously the salt revenue of the British Government.¹⁴² In return for this concession the Durbar assured that the *khari* works in the state would not be extended. Tonk and Shahpura discontinued the manufacture of *khari* salt and they received from the British Government Rs. 8000/- and Rs. 2000/- respectively for their losses on this head.¹⁴³ But the manufacture of salt-petre in Shahpura was restricted only to six factories.¹⁴⁴ The state of Bundi also produced *khari* salt but the income was very insignificant. It was also suppressed and only a lump sum money was paid to it as compensation.¹⁴⁵ Kishengarh, which produced 6000 maunds of impure salt, suppressed the manufacture.¹⁴⁶ Bahawalpur was also awarded a compensation of

140 P. C. (A), Sept. 1879, No. 467. Appendix B. Memorandum No. 2 by R. H. Whitten, the Collector of Customs.

141 P. C. (A), July 1881, No. 218.

142 P. C. (A), July 1881, No. 216.

143 K. W. P. C. (A), June 1882, Nos. 302-40.

144 P. C. (A), July 1881, No. 217.

145 P. C. (A), Aug. 1882, No. 519.

146 P. C. (A), Sept. 1879, Nos. 348-55.

Rs. 3000/-for the suppression of local manufacture¹⁴⁷ ; but the amount was mentioned no where in the treaty ; it was included with the total compensation paid to the state. The Raja of Jhind manufactured salt in his state (in the Dadri *Tehsil* of Jhind) from saline earth and sold it to his subjects at the rate of one rupee per maund.¹⁴⁸ The Punjab Government observed that so long as it was consumed within the state and not imported into British territory, it could not interfere with it. The quantity turned out was insignificant, but it might be developed in future and smuggled into British territory. In that event the British Government would feel exceedingly inconvenient, for this might tend to nullify the arrangements for the protection of the salt revenue which the British Government was adopting.¹⁴⁹ The Punjab Government started negotiations with the Raja of Jhind and acquainted him with the problems faced by it. The Raja of Jhind finally agreed to close down all local manufacture of salt in his state, without advancing any reason.¹⁵⁰

On this *Khari* or local salt the British Government did not levy any duty. This salt was consumed in the states where it was produced and it could not be exported beyond the limits of the states. But where adoption of restrictive measures was thought necessary, the British Government entrusted the states to impose and administer them.

Another way to combat the use of the inferior *khari* salt by the general population of the states and to popularise the superior salt was to supply to the states ample quantities of superior salt so that it might be generally consumed. The British Government did its best to make the salt easily available to the people. It knew, and very rightly, that difficulties in respect of obtaining supplies would hamper the consumption of taxed salt which, in its turn, would again diminish the salt revenue. It was, therefore, not stingy so far as the question of

147 K. W. P. C. (A), Oct. 1871, Nos. 186-91.

148 P. C. (A), Sept. 1879, No. 693.

149 P. C. (A), Sept. 1879, Nos. 698-700.

150 P. C. (A), Sept. 1879, No. 705.

supplying salt to the states was concerned. For the use of the people of the Jodhpur state 2,25,000 maunds of superior salt was passed yearly from the leased works in that state, free of all British duty. And for the supply of the people of Bikaner, Mewar and Serohi, quantities aggregating 1,58,000¹⁵¹ maunds were passed annually to those states, subjects to only half the British duty. The Maharana of Udaipur was supplied with 1,25,000 maunds of salt at a rate of one rupee per maund lower than full rate of duty at the time leviable at the works from which the salt was to be supplied.¹⁵² The British Government further agreed to give to seven of the states quantities of superior salt aggregating 13,360 maunds, free of all charges, for the use of chiefs and their Durbars (in addition to 21,000 maunds given by the Sambhar treaties to the Jaipur Durbars). This had the good effect of keeping the persons connected with Durbars in good humour who eventually proved helpful in the implementation of the scheme. The remaining five states in Rajputana (i.e. Alwar, Dholpur, Kishengarh, Bharatpur and Jaipur), the petty Lawa chiefship and the Bahawalpur state was supplied with salt on which the full British duty had been levied. It was further stipulated that if these allotments proved insufficient for the use of the people of the states (which possessed no superior salt of their own) they would be open to reconsideration.

The Mahikanta states of Edar, Derol and Pal imported considerable quantity of Marwar salt in their respective territories. The British Government, in its desire to forestall the manufacture, started negotiations with the chiefs of those petty states. The chiefs agreed to stop the flow of the Marwar salt into their territories provided the British Government guaranteed the supply of the salt required for the consumption of their

151	Bikaner :	20,000	maunds
	Mewar :	1,25,000	„
	Serohi :	13,000	„
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	Total :	1,58,000	

SOME ASPECTS OF ECONOMIC REL

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The states of south India had no superior
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In Mysore the British Government, afte
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The Baroda case is interesting. The G
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absolutely controlling the production and
within Baroda territory. Accordingly both
the Government not only asserted this right
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works which he desired to be allowe
Gaikwad remonstrated at that time again
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Hence the Gaikwad lost his right to manu
Moreover there were seven valuable salt wo
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having been ceded to it by the Peshwa u
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date, they were all of them then closed
Baroda, Kari and Nausari received their su

British territory, to the benefit, of course, of the British revenues. The prevention of smuggling of sea-salt into the Baroda state was undertaken by the British preventive establishment. When salt was smuggled into British territory, the British officers followed up and seized the offender within the Baroda border. Hitherto the Durbar did not demur to surrender the persons so seized for trial before the British Magistrates. When salt was smuggled from Baroda into British territory, the offender was seized by British preventive officers, but made over to the Durbar authorities for punishment.

In 1880 the Baroda state, under the administration of Sir Madhave Rao, strongly remonstrated against this policy of the paramount power. He disfavoured the policy of subjecting the people of Baroda to any legal penalties when the revenue itself went to another community. He observed : "I am quite aware of the principle that one community cannot legitimately be called upon to subject itself to pains and penalties in the fiscal interests of another community."¹⁵⁷ The people of Baroda, he argued, had already been forced to consume highly taxed British salt and their any further subjection to legal penalties for the benefit of British revenue seemed monstrous to him. Secondly, as regards the arrest and trial of salt smugglers, he argued that offences against British salt law committed in one territory (British or Baroda) were not to be punishable in other and that the offenders in such cases were not to be mutually extraditable. He pointed out that British salt laws should have only territorial and not extra territorial force ; as they were not in force in Baroda territory, extradition could not be demanded. Further, he observed that offences against British salt law (such as the smuggling of salt) were not "mutually recognised offences" to which alone extradition should be confined. Hence he opined that the ground on which extradition could be demanded was wanting in the circumstances under reference.¹⁵⁸ Lastly, he deprecated the

157 P. C. (A), Dec. 1880, No. 143.

158 P. C. (A), Dec. 1880, No. 147.

entry of British officials and British servants into Baroda territory anywhere and at any time, making searches, seizing persons and property, searching goods and packages in transit etc, under fiscal rules of their own, having no operation in the territories of Baroda. Such a course, he apprehended, would probably lead to great hardship to the people of Baroda, and to unpleasantness in many respects between both Governments.¹⁵⁹ The force of these arguments was recognised even by A. C. Lyall, Secretary to the Government of India, who wrote, "as matters now stand, we might find some difficulty in compelling Baroda to punish salt smugglers. We should not make any distinct agreement with Baroda; but it might be worthwhile to come to some understanding that might encourage the state to join heartily in the suppression of the smuggling."¹⁶⁰ This was done.

In the Nizam's territories the problem was not with the manufacture of earth salt, but with the exportation of the same in the neighbouring districts in the British territory. The salt policy of the Government of India in the Nizam's dominions aimed at securing the complete stoppage of the export of earth salt from the state to the Madras Presidency. Small quantity of earth salt was manufactured in some of the Hyderabad districts contiguous to the Madras territory and this salt, the British Government believed, was exported to Madras. The Resident at Hyderabad proposed to the Nizam's Government to place a prohibition on the export of salt to Madras from the frontier districts of Hyderabad.¹⁶¹ Sir Salar Jang, the Minister, replied that according to Article III of the Commercial Treaty of 1802 "there shall be a free transit between the territories of the contracting parties of all articles being the growth, produce or manufacture of each respectability." Hence there was no prohibition whatever to the transit of articles of produce and merchandize between the two countries. Although

159 Ibid.

160 Office Note: P. C. (A), Dec. 1880, Nos. 140-149.

161 P. C. (A), July 1875, No. 3.

a direct prohibition against the transit of salt from Hyderabad would be contrary to the terms of the treaty, he observed, "yet it is often found necessary with due regard to the interests of both Governments and in compliance with expediency and exigencies of the time, to act temporarily in contravention of the terms of the Treaty or to amend its provisions" In accordance with this principle he concurred with the advisability of the proposal and issued instructions to the *talukdars* of the districts concerned to provide against any person hereafter "entertaining the idea" of exporting salt to British India.¹⁶²

The salt treaties called upon the people of Rajputana and Central India, who paid no tax whatsoever to the British Government except those on imported sugar, to contribute to the British exchequer in the shape of salt tax just as the people of Hyderabad and Mysore did to British salt revenue. This view found clear and full expression in Stratchey's Budget speech. Also in his confidential letter of 22 January 1877 to Hume, Stratchey wrote: "It must be remembered that it is quite reasonable that the native states of Rajputana, Central India and Bahawalpur should contribute through the proposed salt tax to the Imperial Exchequer, as many other native states, who are obliged from their position to consume British taxed salt, already do." Hence the motive that operated behind the scheme was to build up the Imperial economy and this Imperial economic structure was reared at the cost of the people of Rajputana, Central India and the Punjab. The rulers of the states were also affected, not only by the closure of the salt works but also by the impact of the railway system on the transit duties. Financial stringency overtook them.

The British Government thought it wise as well as generous to grant them some of the proceeds of the tax (on duty paid salt) so as to make up their losses. "It would", it was believed, "convert an unpopular into a popular measure."¹⁶³ Hence the provision for the payment of compensation. The payment of

162 P. C. (A), July 1875, No. 4.

163 Office Note: P.C. (A), April 1880, Nos. 1-36.

annual compensation to the states depended "partly with reference to the population in them consuming duty paid salt and partly with reference to the amount of transit duties they abolished."¹⁶⁴ Compensation was generally given on two heads—(i) abolition of export and transit duties and other duties on salt and (ii) the suppression of the *khari* manufacture. To the Jodhpur state an annual payment of 1½ lakhs of rupees was made as compensation for transit and export duties on salt as well as for the loss of miscellaneous receipts connected with salt and for maintaining preventive establishment to keep down illicit manufacture etc. Over and above this, a sum of Rs. 3,87,000/- was arranged to be paid annually to the Maharaja of Jodhpur for the lease of the four tracts (*i. e.* Pachbadra, Didwana, Phalodi and the Luni River tract) within his territories, represented approximately, on a moderate estimate, the annual revenue which the state realised by the taxation of salt produced within those tracts. Similar payments amounting to Rs. 52,800/- were made to the Bikaner, Mewar and Serohi states.¹⁶⁵ It has already been mentioned that Gwalior was given Rs. 3,12,500/- and Datia Rs. 10,000/-. To the chief of the small state of Samthar, bordering on British territory, 500 maunds of superior salt from the leased works had been assigned, free of all charges, as compensation for the suppression of salt manufacture etc.¹⁶⁶ The Rana of Jhalwar was granted annually a sum of Rs. 7000/- and the Lawa Chiefship obtained Rs. 700/- annually. To Alwar, Dholpur and Kishengarh, Bharatpur and Jaipur annual payment, aggregating Rs. 8,40,700/- was made.¹⁶⁷ The Kota state likewise, received compensation. It was given an annual compensation of Rs. 16,000/- in consideration of its binding itself neither to manufacture salt nor to levy transit duties in any part of the state.¹⁶⁸ It should be borne in mind

164 Ibid.

165 P. C. (A), April 1880, No. 35.

166 Ibid.

167 Ibid.

168 P. C. (A), July 1881, No 218.

that in each case the payment was nearly equivalent to the duty realised.

Arrangements for the payment of compensation to the chiefs were made not only to recoup the losses suffered by them, but also to keep them contented so as to enlist their cooperation for the success of the scheme. Besides, Lytton wanted to win over the persons of local influence who were connected with salt. He believed that these persons might help or obstruct the measure of the Government and therefore it was deemed politic as well as reasonable to enlist their cooperation "without in any way bringing them into opposition to the Durbar to which they are subordinate, or in any way interfering with the authority of the Native chiefs, with whom alone the British Government can negotiate."¹⁶⁹ Over and above these persons of local influence there were other persons who had interests in the salt and among them the claims of the kharols or the manufacturers of salt deserved judicious consideration. As a result of the suppression of the salt works, the manufacturers were thrown out of employment and they, deprived of the means of livelihood, posed a social problem. In order to mitigate their hardship provisions for the payment of compensation were also made.

The Maharaja of Bharatpur closed the salt works at his own discretion and it would logically follow that the British Government would have nothing to pay for the closing of the works which became almost profitless and without value. The Maharaja also refused to receive any compensation directly for the suppression of his works. His feeling was that "if he avowedly received any compensation on account of the salt works this would hereafter in some unexplained way furnish us (i.e. the British Govt.) without grounds for requiring him (i.e. the Maharaja) to reopen the works, or to receive the British officers under pretext of their being necessary to watch our (i.e. British) interests where salt was concerned. He was aware moreover that the measure would be unpopular, and he wished his people to understand clearly that he had not received money from us (i.e.

the British) or any one to carry it out, but had adopted it without any hope or thought of personal gain, on his own judgment¹⁷⁰. But although the Maharaja declined to accept any compensation for the people for an act of his own, he said to the British Government that he would not object if any compensation was given to them for their losses which had been resulted by the opening of railway. Actually the British Government felt itself guilty for the loss of customs revenue of nearly Rs. 1,00,000/- which the Bharatpur state sustained consequent on the railway operations through the territory and as the present measure of the Maharaja was the outcome of that arrangement, the British Government felt itself morally bound to mitigate the hardship of that class of people who were directly affected by the measures, otherwise the whole blame for reducing them to such poverty would befall their shoulders. [The Durbar had also to be compensated, for without its co-operation the whole scheme of the British Government would be frustrated]

In coming to the decision of giving compensation to the Durbar, Hume was influenced by the consideration of damages which the salt industry of the state suffered by the extension of railway through the Bharatpur state.¹⁷¹ In fact the opening of the railway and the lease of the Sambhar Lake deprived the state three lakhs of rupees on account of salt. Without some compensation being granted the state would suffer from financial embarrassments for which the British Government would be wholly responsible. The salt manufactures and the *haqdars* of the state whose conditions became pitiable after the stoppage of the works were given Rs. 2,26,000/-¹⁷² and the chief received Rs. 1,50,000/- per annum, in half yearly instalments.¹⁷³ Hume recommended to the Government of India for the quick pay-

170 P. C. (A), Sept. 1879, No. 604, para 44.

171 Office Note by G. H. M. Batten to Stratchey, P. C. (A), Sept. 1879, Nos. 601-609.

172 P. C. (A), Sept. 1879, No. 617. Article 6 of the Bharatpur Salt Agreement.

173 Article 7 of the Bharatpur Salt agreement.

ment of compensation. He remarked that "the prompt contribution of this compensation would go a long way towards allaying the discontent that their closure undoubtedly engendered.

Besides arrangements were made for the payment of a sum, aggregating about Rs. 41,000/- to the landholders, *Jagirs*, and others in Jaipur, Udaipur, Jodhpur and other states whose interests were affected by the closing of local salt works and the abolition of transit duties.¹⁷⁵ This policy the Government followed with a view to enlisting their cooperation for the success of the scheme and naturally it was interested to the equitable distribution and adjustment of the indemnities. This was done by inserting an article in which it was stipulated that compensation was to be paid in concert with the Political Agent. But the Jaipur Durbar professed its willingness to equitably distribute the compensation to the *Jagirdars* and rightholders. It assumed the position that they were the judges of what was equitable and desired so to word the arrangement as to prevent the Imperial Government from superintending the specific performance of this important part of the scheme. But the interests of the British Government were so seriously involved in the matter that it could not rest assured by relinquishing all control over the question of the adjustment of compensation in the hands of the Durbars. In its own interest the British Government wanted to satisfy their just claims in a way that they would have no inducement to oppose the arrangements, or side with or instigate the people to oppose them. The British Government knew that the relations between a ruling chief and his feudatories were not always amicable and that the interposition of Political Officers were constantly needed to pacify open quarrels and to settle disputes. The Government therefore, wanted to take, by virtue of its paramount authority, not only in Jaipur, but in other states of Rajputana (Central India included) similarly situated, the necessary precautions.

174 P. C. (A), Oct. 1879, No. 614.

175 P. C. (A), April 1880, No. 135.

176 P. C. (A), Oct. 1879, No. 235.

guarantees for assuring proper distribution of its indemnities, otherwise it feared that they would never be made at all. In Jaipur and the neighbouring Rajput states the right of the *Jagirdars* to levy certain dues within their estates were not founded on mere prescription or privilege, but were connected with the rough system of administration which prevailed in the country. These minor chiefs administered justice, civil and criminal, within their domains : they were responsible for the police or for losses by robbery, and this system of local government saved the state's treasury.¹⁷⁷ It was also known to the British Government that except at the capital, the administration of Jaipur was by no means strong and the mofussil officials were not conspicuous for integrity, ability or even power of command. Even the central administration had no control over the sub-states like Khetri, Shikar, Khandela and Patan etc. and they were nominally loyal to the Durbar.¹⁷⁸ To the British Government these *Jagirdars* and fieldholders appeared more helpful than those of the rapacious Durbar officials in the successful operation of the scheme and therefore it attached so much importance to the rightholders. The *Jagirdars* of Shikar and Khetri exercised jurisdiction over wide tracts. When the right of this nature were withdrawn at the instance of the Imperial Government, they would naturally expect the payment to be guaranteed.

It was thus clear to the British Government that if due compensation was not given, these sub-states would not cease to levy these duties, would not suppress salt manufacture or in fact give any heed to the conditions of the agreement, and any attempt on the part of the Jaipur Durbar to enforce these rights would prove ineffectual unless aided by British forces and would certainly give rise to serious disorders and the unpopularity of the withdrawal would go wholly to the account of the British Government.¹⁷⁹ The British Government avoided the risk and

177 P. C. (A), Oct. 1879, No. 234.

178 P. C. (A), Oct. 1879, No. 235.

179 Ibid.

chose to act wisely by offering to pay the compensation to these small but powerful fiefholders and it was specifically stipulated in all the agreements that payment was to be made in consultation with the British Political Officers, and where such did not appear to be the case, the British Government reserved the right to intervene and press for more satisfactory reward.¹⁸⁰ The Maharaja of Kishengarh (whose liberality was proverbial) abolished transit duties throughout his state. The *Jagirdars* of Kishengarh also became affected by this measure. No provision was made for them in the agreement and the Maharaja also expressed dissatisfaction for that.¹⁸¹ On the co-operation of the *Jagirdars* and the *thakurs* depended the success of the whole scheme. The opposition of a powerful *Jagirdar* or a *thakur* was enough to frustrate the whole scheme. Therefore, in order to assuage their resentment, the Maharaja picked up the powerful *thakur* of Fatehgarh and allotted a sum of Rs. 1000/- as compensation for the loss he had suffered consequent on the abolition of the transit duties within the Fatehgarh state.¹⁸² He also arranged liberal compensation for other *thakurs* and *Jagirdars*. With the suppression of salt manufacture in Kishengarh, both of superior and inferior quality, the manufactures of salt or *kharols* as they were called, were thrown out of job. In order to relieve them from hardship and compensate their losses as well, the British Government granted Rs. 5000/- to be paid to them through the Durbar.¹⁸³ But the Maharaja went a step further and in order to rehabilitate them he gathered them in a new village, gave them as much land as they could till, and constructed there a new bund or dam to furnish them with sufficient water supply.¹⁸⁴ The conversion of the *kharols* into agricultural classes guaranteed the stoppage of the manufacture of *khari* and the

180 Ibid.

181 P. C. (A), Sept. 1879, No. 549.

182 Ibid.

183 P. C. (A), Sept. 1879, No. 18. Article 6 of the Kishengarh Salt

prevention of the smuggling of salt and these measures brought about their economic prosperity as well. The Jaipur Durbar did not lag behind in manifesting its liberality. In Jaipur, excluding Kuchor-Rewassa works, some 1,000 families, including 4,000 souls or thereabouts, became affected by the measure of the suppression of *khari* works. The Durbar compensated the *kharols* in a more effective way by agreeing to grant them, for a reasonable period of time, lands at a reduced rate of rent and advance money to them without interests to enable them to sink wells for irrigation purposes and to purchase bullocks and agricultural implements. This measure, in the estimation of the Durbar, would help them to start fairly as cultivators and would constitute "the more effectual help than the few rupees which may fall to the share of each as compensation, and which are likely to be expended in meeting the pressing demands of life."¹⁸⁵

The British Government did not like to be figured as oppressor in the eyes of the people for the destruction of the little profits of the poor *kharols* and it believed that unless these people received fair treatment, illicit manufacture would assume serious dimensions. It paid Rs. 9500/- in lump sum as compensation to the salt manufacturers of Mewar for the loss they suffered for the complete stoppage of the manufacture of salt.¹⁸⁶ Another sum of Rs. 2000/- was fixed for payment as compensation to the state and the *Jagirdars* for the loss of income consequent on the suppression of the *khari*.¹⁸⁷

Again, as desired by the chiefs, the treaties contained provisions for the payment of money compensation to the *Jagirdars* or the rightholders through the Durbars. The arrangement for the payment of compensation through the Durbars was made with a view to setting aside the claim of independence which they might put forth in the event of direct transaction

185 P. C. (A), Oct. 1879, No. 237. Office Memorandum of Jaipur Royal Council. Collection A, Exhibit 8.

186 P. C. (A), April 1880, No. 87.

187 P. C. (A), April 1880, No. 85.

between them and the British Government. The Karnali salt agreement was silent so far as the case of the *Jagirdars* was concerned : but the confidential correspondence between the British Government and the chief would reveal that provisions were actually made for them. It was only in deference to the Maharaja's wishes that the treaty was reticent about them lest they should think themselves independent.¹⁸⁸ In a separate *ikharat* the names of the *Jagirdars* and the compensation allotted to them were mentioned. The Government of India, besides paying compensation to the *ikharats* of Mewar, further agreed to adopt measure to relieve other rightholders in the salt works from any material losses. It allotted a sum of Rs. 2900/- for compensating the loss of revenue and profits from the *ikharat* sustained by the landholders, *Jagirdars* and the *Einania* chiefs. The British Government allotted the money, but it was paid through the Mewar Durbar. Another noticeable thing is that the British Government always insisted that money compensation to the *ikharats* or *Jagirdars* or rightholders should always be made in consultation with the British Political Officers. This was insisted with a view to ensuring as well as to checking deception or fraud of the Durbar officials. The manufacturers of Bharatpur complained for non-payment of compensation. H. M. Darnand thought that the manufacturers had been robbed by the Durbar officials. The Jaswar salt agreement provided annually Rs. 250 - for payment as compensation to the *Jagirdars* for the losses they suffered on account of the abolition of transit or other duties on salt and other articles. The British Government paid the money, but the distribution was made by the Durbar in the presence of British representatives. For the losses of the manufacturers, caused by the suppression of local salt works in Dholpur, the British Government fixed a lump sum of Rs. 340 - for payment as compensation to them. But it was stipulated that the said amount was to be distributed in consultation with the Political Agent. By article 5 of the Kota salt agreement the British Government sanctioned a sum of Rs. 19,080 -, in concert

with the Maharaja, for distribution to the Kotri chiefs, the *Jagirdars* and the *mafidars* of the Kota state for the losses they sustained for the abolition of export, import, transit and mapa duties on salt. In Bahawalpur the salt manufacturers were awarded a lump sum of Rs. 1299/-. This sum was calculated on the basis of two years' profits by the British Government in conjunction with the Durbar and it was also stipulated that the amount was to be distributed to the manufacturers in concert with the Durbar.

The Government of India's policy of indemnifying the states for their losses was undoubtedly commendable. But this policy was not followed uniformly. The Bahawalpur state sustained huge losses by absolutely suppressing and prohibiting manufacture of salt within any part of the state and by abandoning all export, import and transit duties on salt, sugar and other articles exported from, imported into, or passing through the state. Hume himself observed: "No other state has as yet accepted an equally large sacrifice..."¹⁸⁹ But there was no protest; the Nawab was a minor and the administration was under British management. Again the Maharana of Udaipur collected Rs. 50,000/- per annum as revenue from transit duties. At the instance of the British Government he abolished the transit duties, but the latter paid him annually Rs. 35,000/- only.¹⁹⁰ In Dholpur the net annual loss of revenue from abolishing customs duties, as reported by the Political Agent, was Rs. 64,000/-.¹⁹¹ Hume himself admitted that in 4 or 5 years the revenue was expected to increase by Rs. 15,000/-, if not Rs. 20,000/-. But the state was given Rs. 60,000/- only as annual compensation. Out of this the Rao of Sirmuttra, a feudatory of Dholpur, was paid Rs 3000/ in consideration of his relinquishing all taxes, tolls and duties of every kind on all articles entering, leaving and passing through his estate. The Maharana had also to pay compensation to the *Lambardars* of the several

189 P. C. (A), Oct. 1876, No. 186.

190 P. C. (A), April 1880, No. 87.

191 P. C. (A), Sept. 1879, No. 622.

villages in which salt manufacture was suppressed for their loss of *Haq Lambardari*. By inducing the Durbar to pay annual compensation to the *Lambardars* of villages in which salt works operated and where the majority of the salt workers resided, the British Government secured "a most powerful and efficient body of co-adjutors in the prevention of illicit manufacture."

As a matter of fact no state was conceded the entire amount as compensation for losses suffered by it. Again, whenever a state was required to make huge sacrifice of its revenue, the British Government consoled it by arguing that the momentary loss would be counterbalanced by the increase of land revenue which must necessarily in the long run result from greatly increased facilities for the disposal of all produce and the brisk flow of trade free from all harassing imposts.¹⁹² But the British Government never made any sacrifice in anticipation of its being compensated in future. Whenever a state was given compensation, it was ascertained on the basis of the total population consuming the British tax paid salt. But population is not static ; it always increases. A few thousand population increases in course of a decade. This increase of population was accompanied by increased consumption of British tax paid salt and a further profit to the Imperial Exchequer—the state genuinely making the sacrifice was denied the share. The chief had to remain content with a fixed income in lieu of an expanding source of income. The salt treaties very effectually guarded the financial interests of the British Government and seldom had been the case in which the British Government sustained financial losses.

It has been already said that a series of salt agreements were concluded by April 1878 and the detailed arrangements for the safety of British salt revenue were also completed. The Government of India decided to assume the charge of the leased works. The Secretary to the Government of India informed

192 P. C. (A), Sept. 1879, No. 467 Appendix DII, Memorandum by A. O. Hume to Secretary to Government of India on special duty.

to the Agents to the Governor-General for Rajputana¹⁹³ and Central India,¹⁹⁴ and the officiating Secretary to the Government of the Punjab¹⁹⁵ to that effect and instructed its agents and officers to give formal notice to the Durbars to make their preliminary dispositions. But the Government of India did not desire "to impose the new arrangements hurriedly, stringently, or without fully ascertaining that the system is properly understood."¹⁹⁶ "These arrangements will", in the opinion of the Government of India, "...require to be handled with judgment and forbearance ; since it is of much political importance that they should, at the begining, work without friction or opposition."¹⁹⁷ These elaborate treaty arrangements with the Indian states were made with a view to abolishing the Inland Customs Line. But the Government of India was not in favour of immediately withdrawing the line—it wanted to introduce the measures partially and gradually without danger to the salt revenue of British India. With regard to the taking over of considerable stocks of salt held by private owners, the Government of India was ready to allow some latitude in the application of this condition. Before the actual working of the scheme began, the Government of India instructed its officers to give some public warning against accumulating salt in anticipation of the duty being laid on, but specifically instructed not to interfere with reasonable quantities stocked for bonafide private consumption.¹⁹⁸

193 P. C. (A), April 1880, No. 16 (Confidential letter from the Secretary to the Government of India to the offg Agent, G. G. Rajputana, 14 Aug. 1878).

194 P. C. (A), April 1890, No. 17 (Confidential letter from same to the Agent, G. G. Central India).

195 P. C. (A), April 1880, No. 18 (Confidential letter from same to the offg. Secretary to the Govt. of the Punjab).

196 Ibid , P. C. (A), Office Note April 1880, Nos. 16-18.

197 Ibid.

198 Ibid.

Restoration of Princely Administration

Mysore

The policy which the Government of India had so long pursued towards the princely states during the period under review reached its logical culmination during the Viceroyalty of Ripon. The administration of Ripon was significant not only because it revealed the actual relations between the Government of India and the Indian states but it also proved that the assurances, embodied in the Queen's Proclamation, had been faithfully adhered to in practice. The speech which the Viceroy delivered on the occasion of the installation of the Nizam on the *gadi* of the state deserves to be quoted : "The maintenance of the Native States of India is a cardinal point of the English policy in this day, and the existence of these states is, in my judgment, of the greatest advantage to English interests."¹ Three or four events that happened during his Viceroyalty very definitely established that the Government of India had really put the last pin in the coffin of the annexionist policy which the Indian chiefs dreaded most. The Cambridge historian very justly remarks that the restoration of the state of Mysore to its ruling family was "an outstanding example of the manner in which the Crown's disavowal of any annexionist policy has been observed..."² The confidence which the British government wanted to transplant in the hearts of the Indian princes took deeper roots and Ripon may very reasonably claim a share of the credit. The circumstances which worked for the deposition of Mulhar Rao Gaikwad have been traced in detail ; it was decided that the regency administration of the state should be terminated and his successor was to be vested with the full charge of administration. A similar

1 Secret (I), June, No. 21.

2 The Cambridge History of India. Vol. VI, p. 502.

regency was in charge of the Hyderabad state ; it was resolved that the young Nizam should be installed in the *gadi* and the reins of administration should be assumed by him. So was the case with Jaipur and other minor states. These cases of transfer very significantly illustrated the attitude which, as paramount power, the British Government wished to follow in its relation with the Indian states.

The chronic misgovernment in Mysore led to the suppression of the old Hindu dynasty (1831) which Lord Wellesley had installed in 1799. For fifty years the state was governed under the superintendence of the Chief Commissioner and the officers of the Mysore Commission and the Maharaja was given the pecuniary allowances to which he was entitled under the terms of the Subsidiary Treaty (1799) in the event of the assumption of the management of his possession by the British Government.

More than once the Maharaja had ineffectually memorialised the Governors-General of India to be reinstated in the administration of his territories. In 1847 the deposed Maharaja wrote to Viscount Hardinge for replacing him in the position which he formerly occupied and, in answer to a reference from him, the Chief Commissioner of Mysore, Sir Mark Cubbon, recorded his deliberate opinion that "any improvement that had taken place" in the condition and resources of the country "had been effected inspite of the counteraction he had met with on the part of the Maharaja and his partisans ; and that the conduct of His Highness during his suspension from power would afford no security that the crises which induced his suspension would not recur in the event of his restoration." The Government of India, on this occasion, did not comply with the request of the Maharaja. In 1856 the Marquis of Dalhousie expressed a decided opinion that the administration of Mysore ought to be retained in the hands of the British Government. Again on May 23, 1861 the Maharaja addressed a *Kharita* to Canning for restoring to him his Kingdom.³ Canning, noted for his liberality towards the Indian princes,

³ P. C. (A) March 1862, No. 147.

declined to restore it to the Maharaja ; rather he reproached him, on the authority of Sir Mark Cubbon, with the opposition his administration met with from the Maharaja and his partisans. He rebuked the Maharaja for some of his manners and said frankly to His Highness "that it is my conviction founded on the past, that if the authority of the British officers were removed, or even hampered, the peace and prosperity of Mysore would be at an end."⁴ In fact Canning and his successors, Elgin and Lawrence, "maintained that the Maharaja had no rights whatever under the Treaty beyond what the British power had accorded to him—that the treaty was a personal one, which would therefore terminate with his life ; and even a natural-born son, if he had one, would have no right of succession."⁵ Sir Charles Wood in his despatch informed the Government of India that "...after a full review of all the circumstances of the case, they do not believe that the administration can, with a due regard to the interests of the people of that country, be again committed to the Maharaja."⁶ The Secretary of State, in the same despatch, asked the Government of India to tell the Maharaja "...that the administration of Mysore shall continue to be conducted, as at present, by British Officers."⁷ Thus the claim of the Maharaja to be restored to the administration has been distinctly negatived and it was held by the British Government that the assumption of the administration of the Maharaja's territory in 1831 was in accordance with the provisions of the Subsidiary Treaty, and that he could not, as of right, claim its restoration.

It was at this stage that the Maharaja announced his unilateral decision to adopt an heir to succeed him and actually requested the British Government to approve his adopted son. Subsequently, Sir Strafford Northcote, the Secretary of State, in his despatch communicated to the Government of India : "Her

4 P. C. (A) March 1862, No. 155.

5 K. W. No. II. P. C. (A), March 1880, Nos. 117-118.

6 Despatch from the Secretary of State, No. 48, 17 July 1863.

7 Ibid.

Majesty desires to maintain that family upon the throne in the person of His Highness' adopted son, upon terms corresponding with those made in 1799 so far as the altered circumstances of the time will allow." Meanwhile, the arrest of the Gaikwad and his open trial (1875) before a tribunal constituted flagrant breaches of agreement, and both the Indian people and the princes resented the proceedings strongly. It was possibly "with a view to placating the opinion of the princes that a new policy was inaugurated by the rendition of Mysore."⁸

Some officials of the Government of India strongly advocated in favour of continuing British administration in Mysore; "the immutability of the specific stipulations and the provisions of the Subsidiary Treaty of 1799 with Mysore" were represented by many able men as dangerous and inexpedient as binding a future Government of India in an unreasonable manner. Some argued that even if it might be wise that the Raj should be continued in the person of the adopted son of the late Maharaja (and there were many who contended against even the concession of the right of adoption), they urged that permanent arrangement should be effected and the conditions upon which it was to be carried out should, on the death of the Maharaja (who was then alive), be definitely and positively declared.

To these the two Secretaries of State (Lord Cranborne and Sir Strafford Northcote) opined, as gathered from speeches delivered in Parliament and in their despatches, that it was impossible at that time and unnecessary under the circumstances to come to any decision upon this question." On the questions of the extent of share to be given to the young Maharaja in the government of the territory of Mysore, Lord Cranborne said: "It is from no other feeling that a real belief, which I think justified by facts, that a time for a decision has not arrived, that we hold the decision of this question must be deferred...and we leave the decision of the case to those on whom the responsibility of that decision will have to rest."⁹ Sir Strafford Northcote,

8 Panikkar, *Indian States and the Government of India*, p. 60.

9 K.W. II.P.C. (A), March 1880, Nos. 117-118. Note by A.R.Thomson.

in overruling the majority of his Council and declaring his opinion that it was necessary for the Government not only to continue the native dynasty but also to recognise the right of adoption in Raj, said : "I have carefully abstained from admitting any claim of right on the part of the Maharaja and his heirs, though I have not thought it necessary to repeat the argument of Lord Cranborne, which was directed to show that his right under the Treaty of 1799 was a merely personal one. I have pointed out that before admitting the young Prince to a share in the administration, it will be our duty to make proper stipulations and to take sufficient security for the good of the people, but I have not attempted to prescribe what those stipulations or those securities should be. I have left it entirely to my successor to decide whether he shall be entrusted with the administration of the whole or any portion of the state and while I have declared the terms of the Subsidiary Treaty must be revised, I have left it to my successor to decide what the nature of the revision should be."¹⁰ The whole question was thus left over for future settlement when the young prince should attain his majority. But the general mood was to restore Mysore to its ruler. A question to this effect was put to the Under-Secretary of State for India in the British Parliament : "What arrangements have been made for restoring a native administration in Mysore by the time the Maharaja attains his majority in 1880 ?"¹¹ The reply was that "the arrangements have been long in progress for restoring Native rule in Mysore, and though delayed by the famine, will be completed in all material respects by the time the Maharaja attains his majority."¹²

The succeeding Secretary of State, Charles Grant, insisted upon certain necessary revisions with regard to the rights and interests of the British Government in reference to the newly constituted state. In the eyes of the Government of India the

10 Ibid.

11 *Hansard's Parliamentary Debates*, Third Series. Vol. CCXLII, p. 1173.

12 Ibid.

treaty of 1799 had expired, for it was a personal one and lapsed with the death of the Maharaja. So the Government of India was bound by no treaty and was therefore absolutely free to make whatever arrangements it liked. In that sense it was a regrant and not a restoration. The attitude of the Government of India to the adopted heir presumptive was reflected in the following lines. "...We are dealing not with a sovereign in his own right, but with one to whom, as a matter of grace, we have assigned the administration to the country holding on our own terms; and whose assent to our conditions is necessary, unless he wishes to relinquish altogether the position. For such a case negotiation of a treaty as between equals is entirely out of place and anything in the character of an Agreement from which one or other could dissent, would be equally so..." It is this attitude that guided the Government of India in specifying the conditions "before confiding to the young Maharaja the administration of whole or any portion of that state."

Equally significant was the decision as to whether the terms and the conditions should be incorporated in a new treaty or a *Sanad* or a written Instrument. Gordon suggested that the term "Sunnud" which many proposed to adopt was scarcely appropriate on the occasion. It signified, he observed, or at least it was usually associated in the minds of the people with small personal transactions, or grants for personal benefit or distinction or it was used in the concession of a rent-free grant of a plot of land. He further argued that the use of the term "Sunnud" would be disagreeable to the Maharaja and his family, and would have the appearance of reducing Mysore to a position inferior to that of the other great Native states.¹³ The term "Treaty" was, in the opinion of Gordon, doubtless open to some technical criticism though, he said, it was less objectionable than the substituted term "Sunnud". The phrase "Instrument of Transfer" was more dignified and Gordon favoured it more than anything else.¹⁴

13 K. W. H. P. C. (A), March 1880 Nos. 117-118.

14 Ibid.

With the question of guarantees for good government that was to constitute the most important point of the new compact made with the young Maharaja, the British Government took particular care. The treaties of 1799 were defective though they were not silent on the subject. More stress in those days was laid on the personal relations with the Indian chief than upon the interest of the people consigned to his care. The more enlarged views subsequently held as to the obligations of the paramount power and the feudatory chief, to provide for the good government of the people, consequently found no adequate expression in the treaties of those days. But there could be no question as to the right, nay the duty, of the British Government, to insist upon every condition necessary to such good government, and specially imperative did such duty become, when, as in the case of Mysore, a state long subject to British administration was regranted for resumption of princely rule.

Mysore was under British rule for more than half a century. While maintaining the erstwhile native administrative structure, the British Government infused in it a rule of law and system, and European personnel of proved ability held all the key posts in the administration. Charles Wood's observations deserve to be quoted here : "The system which was adopted maintained throughout the long period of years . . . is believed to have given great satisfaction to the people, because it was shaped in accordance with principles intelligible to them, and with their own native customs and usages, Her Majesty's Government are desirous that there should be no abrupt and violent departure from this system, but all improvements in the administration should be introduced gradually and cautiously, and with a due observance of, and regard for, the habits and sentiments of the people."¹⁵ Tupper, therefore, observes, "...if by a decision from Simla or Calcutta British Indian subject is changed into the subject of a Native state, he is practically thrust all of a sudden into a new legal atmosphere ; and

15 Political letter from the Secretary of the State, No. 55, 15 July 1865.

the chances of his suffering in some way in his rights and liabilities and expectations are proportioned to the difference between the general system of the particular Native state and the British system of which he is no longer a partaker.”¹⁶ It was, therefore, apprehended that the people living in Mysore under British laws and British methods of administration for a long course of years would face supreme inconvenience at the rendition of the state to its prince. It became, therefore, every body’s concern to protect the rights and expectations which British rule had allowed them to enjoy. Hence it was decided that the reestablishment of princely rule should not interfere with the maintenance of the British system and the Maharaja should not exercise any arbitrary or despotic power, but rather should conduct the administration on those fixed and enlightened principles which had guided the British Commissioner who had preceded him. The Government of India, thus, did not give the restored Maharaja a blank cheque; the special power of interposition reserved by Lord Wellesley had been duly maintained and elaborate arrangements were made for the perpetuation of those rights, facilities and rules of law which characterised British administration in India. The Government of India further decided, “in order to secure the people of the province from capricious or ill considered changes on the part of the Native Government,” that the laws and rules of public business which were in force at the time of the transfer should remain in operation until they might be altered with the concurrence of the Government of India and that the system and practice of executive authority followed in British India, should, with necessary modifications, be maintained.¹⁷

The arrangements made with the Maharaja of Mysore possessed a special value. The conditions imposed aimed not to lessen in the eyes of the people the importance or prestige of a princely state—rather they afforded a convenient opportu-

¹⁶ Tupper, *op. cit.*, p. 121.

¹⁷ P. C. (A), Sept. 1879, No. 357.

city of ascertaining the real content of the British Government in regard of the future administration of a princely state remaining long under British supervision.

Before proceeding to state the different articles of the Instrument, some observations upon its general scope and character should be made. Acting upon the view taken by Sir Stafford Northcote's Speech of 1861 the Government of India was not required to examine the terms of the treaties of 1800 except so far as those terms expressed a policy of maintaining the continuance of an Indian dynasty in Mysore with good government and the security of British interests. It was in its probability the intention of Her Majesty's Government that if previous controversies as to the precise character of those treaties were to be set at rest and fully extinguished by a new settlement which would supersede all prior engagements and would constitute a new departure in the relations between the British Government and the Maratha's family. The Government of India held that the present Maratha was just in charge of the Government of Mysore because it was thought to be reasonable and in accordance with good policy to maintain the rule under a native upon engagements similar to those made by Lord Minto in 1800, with conditions revised and adapted to the circumstances then prevailing. It aimed to record only the general principles that were to be maintained, leaving to the Governor-General in Council the discretionary power to propose for the regulation of all other important questions affecting the good of the country.

The major clauses of the *Deeds of Transfer* which had been handed over the state to its own ruler were 14 in number. The first 17 clauses of the *Deeds of Transfer* mentioned the various conditions—political, financial and military—upon which the state and some of these conditions were based upon the principle in those upon which were founded the relations of all other princely states with the British Government. Other clauses provided that if any one of the

having the force of law in Mysore territories, when the Maharaja was placed in possession of them, should be maintained and specially administered, the Maharaja having no power to repeal or modify them except with previous consent of the Governor-General in Council ; that except with such consent no material change should be made in the established system of administration ; that the title deeds granted and settlement of land revenue made should be duly upheld ; that the Maharaja should conform to such advice as the Governor-General in council should offer him on matters connected with the advancement of His Highness's interests, the happiness of his subjects and his relations with the British Government ; and that in the event of breach or non-observance of the conditions set forth in the instrument, the Governor-General in Council might resume possession of the Mysore territories, and assume the direct administration of them, or make such other arrangements as he might think necessary for the good government of the people of Mysore, or for the security of British rights and interests within the province.

The young Maharaja issued a Proclamation ¹⁸ on 25 March 1881 in which he reiterated his strong sense of fidelity to the British Government and his desire to conform to the conditions incorporated into the Instrument of Transfer. The Maharaja declared that "all laws and rules having the force of law in the said territories shall continue to be in force within the said territories" and accepted as binding upon him and his heirs and successors "all grants and settlements heretofore made by the British Government within the said territories in accordance with the respective terms thereof, except in so far as they may be rescinded or modified either by a competent court of law or with the consent of the Governor-General in Council."¹⁹ The Proclamation confirmed all existing courts of judicature within the said territories in the respective jurisdictions vested in them. It also confirmed "in their respective appointment

18 P. C. (A), May 1881, No. 246.

19 Ibid.

the judges and all other officials, civil and military, now holding office within the said territories.”²⁰

About the retention of European officials at the head of the several of the departments of administration, the Chief Commissioner of Mysore (*i. e.* Gordon) wrote to the Government of India that “these officials would be retained temporarily only with a view to preserve the efficiency of the administration and to give a helping hand to the new administration without which help the Maharaja and his ministers will certainly have to struggle under the greatest disadvantage.”²¹ The Government of India wrote in the same vein to the Secretary of State : “We propose to restrict as much as possible the number of Europeans in the higher ranks of the Mysore administration. Much has already been done in this direction ; and much more will be effected in the course of next twelve months. But the precautions necessary for avoiding confusion and embarrassments in the Maharaja’s administration from the abrupt or indiscriminate withdrawal of the European elements in the service of his state, are particularly requisite in making changes in the controlling offices, because it is in these offices that the difficulty of providing efficient native substitutes must at first be specially felt. The province of Mysore cannot readily supply trained and qualified men for such vacancies ; the alternative of importing native officials foreign to the country and unacquainted with its people and language, which would be unwelcome to the Maharaja and unpopular with his subjects, is also open to many other practical objections....”²²

The Instrument of Transfer thus transferred the state of Mysore to the young Maharaja and it was also agreed by the Government of India to pull out the European officers from the administration of Mysore by stages. But it had never been the intention of the British Government to thrust the whole weight and responsibility of the administration upon so young and

20 Ibid.

21 P. C. (A), March 1880, No. 112.

22 P. C. (A), May 1881, No. 245.

inexperienced a ruler. It desired that the Maharaja should evolve some administrative arrangements which would help him in executing the administrative business of the state and in ensuring the happiness of the people. However, the young Maharaja resolved to conduct the administration by forming "the Council of His Highness the Maharaja of Mysore" which consisted of the *Dewan* for the time being as ex-officio President and of two or more members to be specially appointed by the Council from time to time. The Maharaja was fortunate in securing the services of Cettipuniam VeeraValli Rangacharlu, C. I. E., as *Dewan* of his state; his vast administrative experience was a positive boon to the state and its people. It was the duty of the members of the said Council to submit for consideration their opinions on all questions relating to legislation and taxation and all other important measures connected with the good administration of Mysore and the well-being of its subjects. It was decided that the members of the Council were to hold office for a term of three years or at the pleasure of the Maharaja."

The conditions incorporated into the Instrument of Transfer imposed, so to say, many constitutional checks on the Maharaja in the changed context of relations between Mysore and the Government of India; the Council acted as a consultative machinery in the transaction of day to day business of the state.

Baroda

The question of the elevation of the young Gaikwad on the throne of Baroda also came up during the Viceroyalty of Ripon. Mulhar Rao was accused of having poisoned the Resident. The trial that followed could not substantiate the charge, but he was deposed. There was no lineal heir to the state; the Secretary of State refused to extend the privilege of adoption when the chief of the house had been so flagrantly disloyal. This episode presented an admirable opportunity to reverse the existing relations between the Government of India and the Baroda state. The Secretary of State, in a telegraphic message (dated 30 May

1875) instructed the Viceroy in the following language: "... Do not renew the past treaties, but insert in your Sunnud or add to it stipulations which are to govern relations of British Government with the new ruler." Actually the Secretary of State, taking advantage of the opportunity, intended to impose new conditions with the avowed aim of restraining the power of action or curtailing the privileges which were enjoyed by the Gaikwads. At this the Viceroy proposed to select some member of the family of suitable age and character (i) to give him a *Sanad* in the terms of Lord Canning's Adoption *Sanad* and (ii) to regrant the state under certain conditions requiring those reforms which were directed to be carried out consequent on the report of the Commission of 1873. The name of Sir Madhava Rao was recommended for appointment as Minister²³ of the regency administration. "In conferring the sovereignty," it was declared, "no alterations will be made in the treaty engagements which exist between the Government and the Gaikar of Baroda, and the new Gaikwar of Baroda will enjoy all the privileges and advantages which were conveyed to the Gaikwar of Baroda in the Sunnud of Earl Canning, dated 11th March, 1862."²⁴ The selection of the new Gaikwad being over, he was adopted by Her Highness the Maharani Jumnabai, widow of Khunde Rao Gaikwad, and the adoption was approved by the Government of India.

Eighteen being the generally recognised limit of minority in India, a minor chief was ordinarily vested with ruling power on attaining that age. In accordance with that principle the Government of India wanted to elevate the young Gaikwad on the throne of Baroda with full powers of administration on his reaching the age of eighteen. But Melvill, the Agent to the Governor-General at Baroda, wished to keep him in tutelage until he (*i.e.* the Gaikwad) reached the age of twenty-one, *i.e.* to give him no share in the administration till then. Melvill was in favour of discontinuing his studies and wished him, in

23 P. C. (A), July 1875, Nos. 192-204.

24 P. C. (A), July 1875, No. 221.

the next years, to subject him to a most elaborate course of instruction in the various branches of administrative work, thereby to qualify himself for the assumption of power in 1884.²⁵ Madhava Rao also shared his views. But H. M. Durand, Under-Secretary to the Government of India, stated that there was no hard and fast rule as to the termination of minorities in the princely states at the age of eighteen and "since the British Government," he said, "became supreme in India, it had not fettered itself by any such technicalities." But he observed: "We have our duties to the people as well as our duties to the chief, and we are bound by all things to set up no ruler over a Native state unless he is reasonably fit to wield the power entrusted to him. That principle is at the foundation of all our dealings with our feudatories, and no treaty provisions can now be permitted to interfere with it."²⁶ He further observed that the Gaikwad, whom the British Government selected, was unusually promising and intelligent and he saw no valid reason for refusing him his due share in the government and therefore he thought it unjustified to put the unfortunate Gaikwad through the alarming three years' course of instruction advocated by the Agent and the Minister. He concluded by observing: "Their scheme strikes me as altogether bad and unpractical, and the only result of trying it will be that the Gaikwar will chafe under the very unusual conditions imposed and become heartily disgusted with all about him. It is not in the human nature to do otherwise."²⁷

The Supreme Government preferred to proceed on some uniformity of principle and practice in dealing with minorities. The Mysore chief attained the age of eighteen in the same month with Gaikwad *i.e.* in March 1881, and the British Government resolved to place him in charge of his state. If the Gaikwad was to wait for three years, then the British Government would certainly have to explain and defend the inconsistency,

25 K. W. No. 1, P. C. (A), July 1881, Nos. 51-63.

26 K. W. No. 1, P. C. (A), July 1881, No. 51-63.

27 Ibid., Note by H. M. Durand.

specially because it had much greater freedom of action in the case of Mysore where it was bound by no treaties and could make whatever arrangements it thought fit than in the case of Baroda where it was only to follow the custom of the state unless there were special reasons for departing from it.²⁸ Hence Durand observed : "The Gaikwar should...be entrusted with some share of power and responsibility as soon as possible after attaining the age of eighteen. Existing administrative arrangements might for the present be practically preserved by keeping Madhava Rao, if he will stay, in office as *Dewan*, and by stipulating in any case that nothing important is to be done without the advice of the Governor-General's Agent, who must for a time exercise a pretty close supervision. But I would not attempt to keep the Gaikwar any longer in leading strings, and deprive him of all chance of learning his duties by debarring him of all share in practical work..."²⁹ A. C. Lyall, the Secretary to the Government of India, also argued in the same vein. He said : "There is, I am to observe, no precise rule or prevailing custom regulating the period at which the minority of a ruling chief expires ; but the Government of India, in deciding upon the time at which he shall receive independent charge of his state, have been guided by the general considerations of policy and usage, and by their judgement of the young chief himself. It is not customary or desirable, except for some special reason, to prolong minorities much beyond the age of eighteen, and the system of investing the chief of the state at once, upon his attainment of majority, with full powers, appears on the whole to possess advantages above the plan of introducing his authority gradually."³⁰ He further gave a lucid exposition of the policy of the Government of India in the following words : "It has become an accepted principle that the Government of a state is not to be made over gradually, or piece-meal, to a chief on his majority ; but time is to be fixed

28 K. W. 1. P. C. (A), July 1881, Nos. 51-63, Note by A. C. Lyall.

29 Ibid., Note by H. M. Durand.

30 P. C. (A), July 1881, Nos. 55.

when he is to assume his full power as chief of the state, and that the Supreme Government will endeavour, by introducing with the chief's consent, some kind of regulative machinery, a systematic method of government, to assist an inexperienced ruler and to maintain some checks over the exercise of his personal authority."³¹ He further added that "it is not the intention of the Government of India that the whole weight and responsibility of the Government of Baroda should be provided with experienced advisers and trustworthy departmental heads who can conduct all the details of the administration and can explain to their chiefs and it may be essential to introduce, for the time, some such methods of Government as may ensure the maintenance of the excellent arrangements now in force under Sir Madava Row..."³²

The Secretary to the Government of India enjoined upon the Agent to decide whether a *Dewan* should be appointed to work under the chief, or whether the provisional institution of a council would be suitable to Baroda.³³ But the Government of India desired that some controlling or consultative authority must be retained in the hands of the British Resident whose advice the Gaikwad would be expected to ask and adopt in all important affairs or before any radical change was to be made in the recognised system of administration, but it was agreed that the Resident would exercise no direct interference in the maintenance of ordinary business.³⁴ Accordingly, McNeill proposed that the Gaikwad should conduct the Government of the state with the aid of his responsible *Gird* Ministers, called the *Dewan* and his Council. In all important affairs or before any radical change was made in the existing system of administration, the advice of the Agent to the Governor-General should be sought and the Gaikwad must give the utmost attention to the advice given. He further proposed that

³¹ F.T. 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 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2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 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2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 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an administrative report would be published at the end of each year and a copy of this should be sent to the Agent to the Governor-General. There should be a consulative body to be designated His Highness' Council. The heads of the principal department of the state should be members *ex-officio*, provided that the total number of such members should not exceed 4 and for the purpose of making laws and rules affecting the life and property of the public, the consulative body was competent to summon additional members, not exceeding 6 in number, from among the *Sirdars* or other classes.³⁵ To these proposals of the Agent, the Government of India gave full approval, but added that "the control of the military force of the state be made over to the Gaekwar on his accession, on the understanding that no material change will be made in the number or the constitution of his army without the assent of the British Government."³⁶ Sir Madhava Rao was selected to act as *Dewan*.

While making all these special arrangements the Government of India informed the Resident that it had not been actuated by any selfish motive. The youth of the Gaikwad and the circumstances of his accession to power rendered it practically responsible for introducing these elaborate arrangements, retaining thereby some controlling and consulative power. The Government of India further apprehended from past experience that without some strings being attached, the Gaikwad might be tempted by those around him to assume full power of personal government and rule independently. The sole object of the Government of India in introducing these special arrangements was to take precautions obviously necessary to secure good government of the state and to restrain the young Gaikwad from ruling in a careless or slipshod manner. The constitutional checks were not opportunistic; rather they had legal sanction in the sense that Article X of the treaty of 1862 stipulated that if the Gaikwad himself, or his successors "commit

35 P. C. (A), July 1881, No. 60.

36 P. C. (A), July 1881, No. 62.

anything improper or unjust, the English Government shall interfere and see, in either case, that it is settled according to equity and reason." It was also noted that as early as April 3, 1820, Montstuart Elphinstone, Governor of Bombay, in his letter to the Gaikwad wrote that the British Government would "offer its advice when necessary in emergency."

Very soon, Melvill reported in a demi-official letter (dated 13 July, 1881) to the Secretary to the Government of India (*i.e.* A. C. Lyall) that the Gaikwad was very reluctant to accept and issue the rules of business or to undertake the arrangements for a *Dewan* and Council unless he should have been distinctly assured that they were meant by the Government of India to be of a provisional character.³⁷ The Gaikwad evidently held firmly the opinion that unless the arrangements were clearly and publicly marked as provisional, the general impression among his people would be that he had allowed material encroachments to be made upon his prerogative as ruler and that he had accepted checks and limitations on the Gaikwad's persona' authority which would lower his status as an independent chief. He desired, he said, to consent to nothing which might appear to place him in a position of less complete authority as a ruler of Baroda than that exercised by his predecessors. Considering therefore the earnest wishes expressed by the Gaikwad, and having regard to the inexpediency of doing anything that might affect the Gaikwad's popularity or reputation with his own people, the Government of India agreed to the limit of two years being formally settled for the compulsory maintenance of these arrangements upon the clear understanding that on the expiry of this period the Gaikwad, in this as in all important matters, conformed to the advice that he might at the time receive from the British Government.³⁸

The Gaikwad also asserted his perfect freedom of action in

37 P. C. (A), April 1882, No. 222 ;
K. W. No. 2, Demi Official : 13 July 1881 ;
P. C. (A), April 1882, Nos. 221-233.

38 *Ibid.*

the matter of appointing a *Dewan*. To this Charles Grant, the Secretary of State, replied that though it was no longer deemed essential that the consent of the British Government should, as a matter of course, be obtained by the Gaikwad before he appointed his *Dewan*, nevertheless the Government of India continued to reserve to itself a right to interpose its authority in the event of an improper appointment being persisted on.³⁹ The despatch of the Secretary of State (No. 217, 31 December, 1862) observed that though there was no special stipulation to that effect in the treaty, yet the right to a voice in the selection of a Minister evidently fell within the obligation imposed upon the Gaikwad to be guided in his administration by the advice of the British Government, and that therefore the question whether the British Government should interpose its authority, in the event of the appointment of a person of doubtful competency being persisted on, was a policy to be dealt according to circumstances.⁴⁰

Hyderabad

The Nizam Afzal-ud-Daula died in 1869 and his minor son, Mir Mahub Ali, ascended the *gadi* of the state. A regency, sanctioned by the paramount power, began to administer the state under the direct supervision of the Resident. The administration of the state was carried on in this manner for 16 years. In 1884 the Government of India decided to terminate the Regency and invest the young Nizam with full powers of administration on his just attaining the age of eighteen. The Viceroy wrote to the Secretary of State in the following language : "He appeared (*i.e.* the young Nizam) to me to be possessed of good sense of self-control, and to have, so far as I can judge, the qualities which would enable him to become in the future an efficient ruler. There seemed to be no reason, therefore, to prolong the period of his minority beyond the usual limit ; and it was intimated to him that, on attaining the age of eighteen,

39 P. C. (A), April 1882, No. 233

40 Ibid.

he would be invested with full powers of administration.”⁴¹ During the minority of the Nizam the Resident, interested as he was in the welfare of the state, totally removed those irregularities from which the state had been suffering. The revenue department was reviewed and reorganised, new railway extension had been effected and the security of life and property, which had practically disappeared, was again guaranteed.⁴² The whole administrative machinery derived its inspiration from Sir Salar Jang and he was aided and assisted in his work by Amir-i-Kabir.

On the occasion of the installation of the young Nizam, Ripon advised him to look after the finances of the state and to abandon useless expenditure. He reminded him that above all thing the people must be kept contented and prosperous and particularly instructed him to administer justice honestly.

The preliminary arrangements for the installation of the Nizam being over, the Government of India became interested in perpetuating the beneficial measures which had been sponsored during the minority of the young Nizam. The Nizam was young and inexperienced and he needed guidance. The British Government believed that an experienced *Dewan* would be very much useful to the new Nizam and he would be able to advise and assist him (i. e. the Nizam) in the execution of administrative business of so large a state as Hyderabad. The Government of India, therefore, decided to revive the post of *Dewanship* which had been held in abeyance since 1867. As much depended upon the character of the person holding the post of *Dewanship*, the Governor-General wanted to elevate the right man to the revived post. Ripon's job was made difficult when two persons—Kurshid Jah Amir-i-Kabir and Nawab Laik Ali, Salar Jang Bahadur (son of Sir Salar Jang), offered their candidature for the post. The right of selecting the *Dewan* or the Prime Minister belonged to the Nizam; in other words, he had perfect freedom of choice in that matter. Ripon's remarks

41 Secret (I), June 1884, No. 5.

42 K. W. (Secret (I), June 1884, Nos. 4-12.

in this connection deserve to be remembered. He observed : "It must be remembered that our right to oppose the appointment of a *Dewan* does not rest on treaty ; that it is at the utmost a right to veto ; and that in several cases Governor-General, though disliking the choice of the Nizam, have refused to interfere in any way beyond advice, even when that advice has not been taken."⁴³ But independent of treaty right, the British Government continued to reserve to itself the right to interpose its authority when an obviously unfit person was raised to the post of *Dewan* and the history of Hyderabad in the 19th century was replete with many such cases. The Government of India critically estimated the character and the qualifications of both the candidates and expressed its opinion as to the fitness of the person whom it judged best for the post. The Government of India was in favour of Nawab Salar Jang's appointment and ultimately the choice fell on him. But while communicating its decision the offg. Secretary to the Government of India wrote to the Resident telling him that the final choice would rest with the Nizam and that the opinion of the Government of India, at least on this issue was not binding on the Nizam because the treaty of 1800 conferred upon the British Government no right to interfere in the selection of a *Dewan* at Hyderabad. However, the ultimate choice fell upon Nawab Mir Laik Ali, Salar Jang Bahadur, and Kurshid-Jah-Amir-i-Kabir was not appointed. The questions are—why was not Kurshid Jah Amir-i-Kabir selected ? And why did the British Government interfere in the matter of selection ? Various factors induced the Government of India to get itself involved in the question. The Governor-General, Ripon, himself answered the questions. Kurshid Jah was not appointed for three reasons. Many persons were opposed to the conferment of the *Dewanship* upon the chief of Shams-ul-Umra family ; that family was at the head of a retrograde party which had always been opposed to Sir Salar Jang's reforms. Any man becoming *Dewan* from that family was likely to subvert his reforms

scheme. Again, in point of personal fitness for the office of *Dewan*, he was considered by men well acquainted with Hyderabad to be unfit to take a leading part in public affairs. But beyond these two considerations of family politics and personal character, there was another objection which seemed to the Governor-General of great political importance. Kurshid Jah was the head of the Shams-ul-Umra family—the most powerful family in the Hyderabad state. “If to the power which they already possessed”, Ripon observed, “we add all the authority and influence of the *Dewanship*, we shall run, as I cannot but think, a very serious risk of making them dangerously strong, of converting the Nizam into a *roi fainéant* and of raising up a Mayor of the Palace who may some day get rid of his master by methods unknown in oriental courts...”⁴⁴ Nawab Salar Jang was, on the contrary, very young and inexperienced, and the Governor-General preferred to see an older man and more experienced officer appointed to so important a post.⁴⁵ But the Governor-General was aware of the difficulty of finding among the few persons to whom the *Dewanship* could be offered and one possessing all the qualifications required. In fact, the number of persons in the Hyderabad state, from among whom a *Dewan* could be chosen, was very limited. Hence age and lack of experience did not stand in the way of the selection of Salar Jang. There was one more consideration which tilted the balance in favour of Salar Jang. The British Government believed “that while a Resident can check or undo the hasty actions of a well-meaning but impulsive youth, he will be powerless to give a progressive tone the whole policy of a *Dewan*, who has no comprehension of what progress in administration means, and who is personally one of the most obstinate and at the same time one of the most slippery men...” Weighing all these considerations the Governor-General recommended the candidature of Nawab Salar Jang to the post of *Dewan*. He

44 K. W. No. 3, Secret (I), Feb. 1882, No. 730-739,

Note by Ripon.

45 Secret (I), June 1884, No. 1.

believed that the young Salar Jang would be able to display the high qualities possessed by his distinguished father, and justify the confidence reposed in him by conducting the administration of the state with ability and success. The young Nizam, too, preferred him against Kurshid Jah for whom he had a very strong dislike.

It is thus evident that the responsibility of the British Government did not terminate by placing the young Nizam on the *gadi* ; even after that it thought itself responsible for making elaborate arrangements for proper administration of the state. Whatever might have been its ulterior motive in appointing a *Dewan* of its choice, it attached supreme importance to the efficient administration of the state and it believed that much dependend upon the proper selection of a *Dewan*.

Inter-State Relations

Lee-Warner observes : "The Government of India represents the states in their intercourse with each other, in interstatel as well as in international transactions."¹ The British Government did not believe that the Indian states had any international life and international relations with these states were converged in the person of the British Government. The exercise of this attribute of sovereignty (*i.e.* delegated sovereignty) which the British Government appropriated prevented other foreign powers to depute their representatives directly at the Indian courts. Lee-Warner observes : "The channel of communication between the ruling princes and the outside world for all official purposes is through the agents or Residents placed at their courts by the Government of India."² The position of the British Government would have been very much embarrassing if the few hundred states of different sizes had been permitted to conduct independent relations with foreign nations. In that event the courts of the Indian states would have been transformed into veritable cockpits of intrigues by powers hostile to the British Government and this might have shaken the edifice of the British empire in India. The Government of India did not recognise this capacity of the Indian states and all transactions, whether political, economic, military or otherwise, between them (Indian states) and foreign powers were carried on through the Government of India. The sovereignty of the states, thus, suffered another major amputation, but they had to bear the pain without protest.

The Indian princes could not even engage any foreigners in their dominions without the permission of the DOF

¹ Lee-Warner, *op. cit.*, p. 273

² *Ibid.*, p. 332

and some of the bigger states had treaty obligations in this respect. In 1866 the Maharaja Holkar intimated that he was desirous of establishing a cotton mill at Indore and that he had invited three Europeans to aid in the manufacture. These men were apparently Americans. In forwarding the communication of the Durbar *wakil* to the Government of India the Agent to the Governor-General in Central India pointed out that the Holkar's action was an infringement of Article XIII of the Treaty of Mandasor (January, 1818) and asked for orders. On considering the case the Government of India asked the Agent to remind the Holkar that according to treaty he "should have obtained the consent and permission of the Government of India before proceeding to engage the services of any foreigners for employment within his state."³ The Government of India permitted the Holkar to appoint the three persons referred to for the purpose specified, but he was given to understand that for future he must obtain the sanction of the Government of India before engaging any foreigners in any capacity whatsoever. The Government of India reminded the Holkar of his treaty obligations lest his action in the present matter should constitute a precedent, and led to the entertainment by other states of turbulent spirits, who might be employed ostensibly as Managers, Engineers, Superintendents and so on, but really for very different purposes. Further, the Government of India thought that very difficult international questions might arise by the employment of Americans in the states dependent on the British Government like that of Holkar.⁴

A few years later, *i.e.* 1870, the Agent to the Governor-General in Central India reported to the Government of India that the Holkar had sent to England for four Europeans with a view to employing them in the cotton mill at Indore. In reply the Government of India informed the ruler that "the Government of India is desirous of giving him every possible assistance in improving and manufacturing the staples of his country, and

3 P. C. (A), May 1866, No. 7

4 Ibid.

His Excellency in Council therefore readily consents to the entertainment of these four Europeans."⁵ But in communicating this order the Government of India again invited the attention of the Maharaja to Article 6 of the Treaty of 1805 and Article 13 of the Treaty of Mandasor, and reminded him that in future he would be expected to make "previous reference" before any steps were actually taken for the employment of Europeans or Americans "of any description."⁶ Since that time the Government of India laid down the principle that smaller states which were not expressly debarred by agreement from the unauthorised employment of Europeans and Americans must nevertheless be considered subject to the same restrictions as the larger states which were so debarred.

Again, the Raja of Nahan appointed two European pensioned officers—one as commandant of the troops and the other as Medical attendant—without any reference to the Government of India. The Government of India, on being acquainted with their appointment, approved the arrangement, but the Raja was informed that "it is considered politically advisable that the sanction of His Honour the Lieutenant Governor should in future be solicited and obtained before such persons are employed in the service of Native states within His Honour's jurisdiction."⁷

The Maharaja of Jodhpur requested the British Government to lend him the service of a British military officer to drill his troops.⁸ While forwarding the request of the Maharaja to the Government of India, the Agent to the Governor-General for Rajputana commented: "As in the feudal days of our own country the despotic power of the sovereign was held in restraint by the absence of a standing army to enforce obedience and compliance to unjust exactions, so in Marwar upto the present date the avarice of successful chiefs and their desire to

5 P. C. (A), May 1870, No. 275

6 Ibid.

7 P. C. (A), Nov. 1874, No. 29

8 P. C. (A), Sept. 1866, No. 38

escheat the domains of their Thakoors have been largely checked by the knowledge of the inability of their ill-paid and ill-disciplined troops to coerce the feudal baron in the event of a continued course of oppression giving rise to an armed combination amongst them...If an officer is placed over the Raj force, we may assuredly anticipate that in a brief space their efficiency will be much increased, that the opposition to the mandates of the Durbar would be removed, and who can say how the despotic power thus placed in the hands of the chief would be used ?"⁹ The Government of India was in perfect agreement with the apprehension expressed by its Agent and turned down the request.¹⁰

In 1874 Sir Salar Jang, the Chief Minister of the Nizam, deputed one Mr. Keay collecting funds for subsidising the capital needed for the Nizam's State Railway. The Government of India at once objected to the scheme and wrote to the Secretary of State : "We beg to point out that any operation effected in the European money-market under the guidance of the Nizam constitutes a direct dealing between a Native state and European capitalists...The Nizam will be in direct relations with European capitalists...and that relation is likely to lead to embarrassing political consequence...Your Lord is aware that it has from the beginning of our Indian Empire been a cardinal point of our policy to prohibit Native states from entering into any direct relations with foreign powers. But the establishment of direct relations with foreign money-markets goes on a long way towards the admission of direct relations with foreign Governments, and it is therefore part of our policy to prevent such relations with foreign money-markets."¹¹

Restrictions were not placed solely on the relations between the Indian states and foreign powers. The Government of India, in the same manner, regulated the inter-statal relations and in this respect also the sovereignty or the independence of

9 P. C. (A), Sept. 1866, No. 37

10 P. C. (A) Sept. 1866, No. 40

11 P. C. (A) July 1866, No. 37. R. C. Majumdar, op. cit., pp. 988-89.

the states suffered another major encroachment. From a number of considerations the British Government did not allow the chiefs to grow ever closer or friendliness among themselves. Lee-Warner observed that even in the pre-Mutiny period the Company pursued the policy and treaty stipulations which regulated the inter-statal relations. The state of Kutch had maintained for more than a century a hostile attitude towards the British Government of Morvi and Nownagar. The treaty concluded between the ruler of Kutch and the Company on 12 October 1812 contained the following clauses: "The Rao of Kutch, his heirs and successors, engage not to commit aggression on any Chief or State, and if any dispute with any Chief or State accidentally arise, they are to be referred to the settlement to the arbitration of the Honourable Company." When, subsequently, the Kutch-Morvi dispute entered its critical phase, the British Government promptly and effectively intervened to determine the dispute and finally enforced its decision.

Lee-Warner remarks that the inter-statal relations were regulated with a view to introducing a new era of peace and extinguishing old animosities. He remarks that in the principalities and traditional quarrels which the past was not spent when the Company inherited from the Crown assumed responsibility for the Indian administration.¹² Lee-Warner's view is not without substance, but it is not the whole truth: in the enunciation of the policy of regulating inter-statal relations, the Government of India was guided more by imperialistic motives. To the Government of India the nightmare of 1857 was still fresh and it did not forget the possibility of another common endeavour to sound the death knell of

12 Lee-Warner, op. cit., p. 274. Also Aitchison, *Treaties, Engagements and Sanads*, Vol. IV., p. 20 (ed. 1876)

13 Ibid., p. 274

14 Ibid., p. 275

15 Ibid., p. 276

the British empire in India. Even after India had settled down and the princes had tendered their allegiance to the Queen, the Government of India still looked upon them as capable of doing mischief. It believed that the stabilisation of the British empire in India needed gradual erosion of the military resources of the Indian states. It also believed that they could be weakened only if any combination among themselves was prevented and this could only be effectively achieved by keeping them isolated from each other. "In view of their unsuspected strength, it was necessary to take political, military and other precautions, meant to prevent the states from uniting with each other and forming formidable combination in future."¹⁶ Therefore, the Government of India continued the policy of depriving the states of conducting any independent relations among themselves and reserved the subject as its sole concern. Not to speak of political intercourse, trading relations among them were strictly interdicted and matrimonial engagements between them had to be submitted to the Government of India for its approval. Proposals of constructing bridges over rivers between their territories to facilitate transport conveyances, distribution of water from a common river flowing between them, and construction of ferries on a river between two states were conducted through the Government of India. The states were, of course, debarred from exercising the power of declaring war or committing any hostilities upon their neighbours, and if any chief did the contrary by sending a band of hostile armed force into the territories of another chief, he committed a breach of allegiance to the Crown. The chiefs were also stripped of the power of concluding peace-treaties among themselves which had been their inherent right previously. No piece of territory could be exchanged without the permission of the Government of India. The ruling princes and their feudatories were specifically enjoined upon to desist from interfering in the internal affairs of another state. If any dispute arose between the states or between the rulers and feudatories on any

question, the ruling princes and the feudatories were directed to refer it to the British Government whose arbitration they were compelled to accept. The paramount power thus succeeded in making the rulers and the feudatories entirely dependent on it for settling any problem that might crop up between them.

The majority of the disputes arising between the states were connected with border controversy of the adjacent states and some of the complicated border disputes were very successfully arbitrated by the Government of India. The vexed boundary dispute between Ajmer and Mewar was satisfactorily settled by the arbitration of the British Government.¹⁷ In case of dispute between any two states standing to one another in the relation of suzerain and feudatory, the British Government supported the suzerain state in the assertion by force of its just rights when that course might be manifestly justified by violence or outrage on the part of the subordinate. But the British Government visited with severe displeasure any attempt on the part of the suzerain state to coerce unnecessarily the feudatory, and if loss was thereby inflicted upon the latter, the lost was made good at the expense of the suzerain. In such a case the displeasure of the British Government might show itself in the reduction of salute or in the increase of tribute or in such other from as might seem to be advisable.

The history of British relations with the Indian states provided numerous instances of the rigid application of the policy. The Government of India's role as judicious umpire became clearly evident in the disputes between Tonk and its feudatory, Lawa, between Banswara and its feudatory, Kusulgarh, between Sohawal and Rewa, and between Dholpur and Patiala.

Tonk and Lawa

Tonk was a Muslim principality in Rajputana and Lawa, a Rajput vassal of the Mussalman Nawab of Tonk. The rela-

¹⁷ P. C. (A), April 1874, No. 39

tions between Tonk and Lawa were far from happy and the thakur of Lawa complained to the British Government about some unusual demands which had been made upon him by the Tonk Durbar. The Political Agent intimated to the thakur that it would be inexpedient for the British Government to interfere between a chief and a vassal and that he must look to the Nawab for redress. The Political Agent also received a letter from the Nawab, complaining of the refractory conduct of the thakur of Lawa. It appeared to the Political Agent that the grievances of the thakur of Lawa were not without foundation and he advised the Nawab of Tonk to give due attention to them. But instead the Nawab assembled a force and assaulted Lawa and was repulsed with serious loss of life on both sides. At this stage the political Agent intervened and deputed an officer to effect a reconciliation between them. The deputed British officer brought about a seeming settlement of the dispute and the future relations between the Nawab and thakur were defined with apparent consent and approval of the contending parties. These proceedings were approved by the Government of India. But this did not improve matters. The Nawab of Tonk still harboured bitter hatred and animosity against the thakur and wanted to get rid of him. A few days later he invited the thakur of Lawa and his uncle to Tonk and had the uncle treacherously butchered. Some of his followers shared the same fate ; only one managed to escape. The thakur himself was besieged in his house by the Tonk sepoys. Later he was safely escorted to Lawa.

The Government of India did not allow this act of butchery to go without enquiry. Accordingly, an enquiry was instituted and it was discovered that the outrage was premeditated and the uncle of the thakur of Lawa and his followers were murdered at the direct instigation of the Nawab of Tonk. The enquiry also revealed that the Nawab was utterly unfit to be entrusted with the lives of others. Hence the Government of India refused to repose any confidence in his administration and accordingly it decided to get rid of the worthless Nawab. A *Kharita* was issued to the Nawab of Tonk¹⁸, wherein it was

stated : "It would not be consistent with the obligations and duties of the British Government towards Rajas at large and towards Tonk in particular, to permit your Highness to retain the reins of Government after the stigma of so heinous a crime had attached itself to your name."¹⁹ The *Kharita* continued : "The Governor-General in Council has accordingly resolved to depose you from the government of Tonk as the only adequate punishment for your offence, and to separate the chiefship of Lawa now and for ever from the state of Tonk."²⁰ Henceforth Lawa became a separate chiefship under the protection of the British Government.²¹ Accordingly, a proclamation was issued and the Nawab of Tonk was deposed.²² His presence at Tonk was considered inexpedient. Therefore he was banished to Benares on a fixed annual pension. As a further mark of displeasure, the Government of India reduced the salute of the state of Tonk from 17 to 11 guns,²³ and arranged to grant pensions to the heirs of the murdered people of Lawa from the Tonk revenues. All these steps were approved by the Secretary of State.²⁴ The young son of the Nawab was placed on the *gadi* of Tonk.

The Government of India adopted a drastic step in the Tonk-Lawa case and inflicted upon the Nawab of Tonk the punishment only as a deterrent measure and this stand of the Government of India became clear from the following words figuring in the Proclamation of Deposition : "The Governor-General in Council entertains the hope that the present lesson will not be lost upon the country, but that it will lead, both in Tonk and throughout the province of Rajasthan, to the well-being and prosperity of all concerned, both of those who govern and of the people."²⁵

19 Ibid.

20 Ibid.

21 P. C. (A), Nov. 1867, No. 21.

22 Ibid.

23 P. C. (A), Nov. 1867, No. 19.

24 P. C. (A), Nov. 1867, No. 25.

25 P. C. (A), Nov. 1867, No. 21. *Atchison, op. cit.*, pp. 125-126.

Banswara vs. Kusalgarh

The Banswara-Kusalgarh dispute, in which the Government of India very decisively arbitrated, enunciated the principle that besides the right of the British Government to play the role of an umpire in interstate disputes it had the power to punish for any attempt on the part of the suzerain state to gain support against its feudatory by deceiving the representative of the paramount power. This involved confirmation of the principle that if any loss was thereby inflicted upon the feudatory state it would be compensated at the expense of the suzerain state.

In April 1869 the Agent of the Governor-General for Rajputana submitted to the Government of India a report regarding an alleged outrage perpetrated by the feudatory Rao of Kusalgarh upon the troops of his suzerain, the chief of Banswara. The Agent reported that, supported by his turbulent Bhil subjects and with the advantage of the wildness of his country, the Rao had been following a menacingly hostile attitude towards the Banswara Durbar. He reported that the Rao's followers had attacked a Banswara thana, rescued a prisoner and inflicted serious injury on others. He held the view that the Government of India should assume a strong attitude in this case and demanded from the Rao the surrender of the rescued prisoner. He further recommended that in the event of the Rao's refusal to act accordingly some of his valuable villages in Ratium should be sequestered as a measure of penalty. The Government of India endorsed the suggestions made by the Agent and remarked: "While deprecating any unnecessary breach of the peace or gratuitous harshness on the part of the suzerain, the Government of India will always be prepared to support any chief in the assertion by force of his just rights when that course may be manifestly justified by violence or outrage on the part of the subordinate."²⁶

The Rao refused to obey the orders of the Government of

India and his Ratlum possessions were accordingly sequestered with the stern warning that any more resistance or contumacy on the part of the Rao would transform the temporary attachment into permanent confiscation.

But the story did not end there. A month later the Agent wrote to the Government of India that after a "minute investigation" it had transpired that the whole story of the attack on the thana was a fabrication and it had been neatly arranged with a view to deluding the Government of India.²⁷ Under the circumstances he asked the Government of India whether it should force the Rao into complete subjugation to "so unscrupulous a master" as the Banswara chief and proposed to depute a British officer to Banswara with the object of gaining a true statement of the character of the chief and the condition of the country. The Government of India again considered the report submitted to it and remarked : "It is most necessary that the Viceroy and Governor-General in Council should show to all persons holding authority in India his sense of such a course of fraud and falsehood as has been pursued in this matter and should manifest his severe displeasure at the disgraceful conduct which for a time was successful in deluding the local representative of the paramount power and which has been the means of inflicting loss and indignity on the Rao himself. His Excellency in Council deeply regrets to think that the head of the house of dignity and ancient descent should have lent himself to such discreditable practices."²⁸

For the deceit practised by the Maharawal of Banswara the Government of India decided to inflict condign punishment and ordered that "the salute to which the present chief of Banswara is entitled will thenceforth be reduced from 15 to 11 guns, and this reduction must continue for a period of six years from the present date, or from the 1st August 1869."²⁹ The Rao was to be indemnified for the loss unjustly inflicted upon him

27 P. C. (A), June 1860, No. 156.

28 P. C. (A), Aug. 1869, No. 39.

29 Ibid.

through the attachment of his Ratlum estates ; the tribute due to Banswara was to remain suspended until such time as his loss should be made good. But as the Government of India considered him an undoubted feudatory of the Banswara state, the Agent to Governor-General was directed to take care so that the form of tendering tribute was usually observed.³⁰ At the behest of the British Government the Maharawal was compelled to dispense with the services of those inferior agents whom he had used as instruments in that fraudulent game. An Indian representative was deputed to his court with the view to reforming the government and the Maharawal was warned that he "will experience the severe displeasure of the Government should he again permit the same to take place within his dominions."³¹

Sohawal and Rewa

In June 1873, Hardat Sing, *obaridar* of Sohawal, sent up a petition of complaint to the Government of India regarding an outrage alleged to have been committed on him and others by Rewa officials. The petition was sent to the Governor-General's Agent in Central India for report. The report narrated that Hardat Singh had acted most insolently towards the Maharaja's legitimate authority. Moreover, with the help of a band of armed force sent by Ram Singh, he had overpowered and bound some of the Maharaja's sepoys and he had spoken "in a grossly abusive and disrespectful manner" of the Rewa Rani. The customary practice was to refer such dispute to the arbitration of the Government of India ; but the chief of the Rewa retaliated by despatching 100 men, under three influential *Sirdars*, to arrest Hardat Singh and bring him in. The force invaded and ransacked the house of Hardat Singh, which was located in in Sohawal territory, and it was reported that in course of the operation, one man was killed and several received injuries.

In justification of his action the Maharaja argued that Hardat was his own subject and therefore he was within his jurisdiction

30 Ibid.

31 Ibid.

to punish any of his subjects for contumacious behaviour. But the Maharaja had definitely exceeded his jurisdiction by despatching a band of force into territory which belonged to another chief and this constituted a breach of allegiance to the British Government. Further, to exonerate himself from this charge, he pleaded that the force which attacked Hardat Singh's house did not know that it was in Sohawal territory. The Political Agent dismissed these pleas as unworthy of acceptance. He remarked that the action taken by the Maharaja was "distinctly contrary to his engagements with the Government and at variance with the policy of our Government ever since the establishment of British paramountcy in this part, as also likely to endanger the peace of the country." In a letter to the Political Agent the Rewa chief gave his own version of the case and observed: "If, from the above facts, the Government should come to the conclusion that my Sirdars should be punished, I am willing to try them, and if guilty, to punish them; but I deny the right of the British Government to try my subjects." The Political Agent noticed, with regard to this point, that the outrage had been committed by the subjects of a "Treaty Chief" in the territory of a "non-Treaty Chief", and on one of the subjects of the latter. He asked for from the officiating Agent, Central India, an authoritative decision to show with whom the jurisdiction rested in such cases—whether with the "Treaty Chief" or with the Political Officer exercising jurisdiction within the territory of the "non-Treaty Chief"—the latter being unable to take cognizance of heinous crimes. The officiating Agent replied: "I consider that there is not the slightest doubt upon the point, such a case must be tried by the Political Officer; and I can hardly understand how the Maharaja, with the knowledge he possesses of the custom obtaining throughout Central India, can deliberately deny the right of the British Government to try his subjects when they commit crimes in territory other than his own."

The Government of India took a serious view of the action of the Maharaja and the Political Agent conveyed its decision

to the chief of Rewa in the following language : "With regard to the action of the Maharaja of Rewa, I am instructed to remark that in causing the invasion of the Sohawal territory by an armed force His Highness not only committed an offence against that state, but was guilty of a violation of his positive engagements with the British Government and of a very serious breach of allegiance to the crown. His Excellency in council deems it necessary that serious notice should be taken of these proceedings and accordingly directs that His Highness be required to pay to the British Government a fine of Rs. 10,000/-; and further to express in writing his regret with a promise never again to permit such an occurrence. His Excellency in Council are bound by their engagement to submit all disputes *inter se* to the decision of the British Government, and to abide by its award ; and the British Government is therefore free to take such steps as may be necessary to enquire into and determine the disputes, and to punish the persons guilty of the offences out of which the dispute may have arisen. As regards the jurisdiction of the British Government in this and similar cases, it is immaterial whether the obligations of the Native state are recorded in Treaties or in Sunnuds. It is unnecessary, moreover, to remind you that jurisdiction over criminals in cases of this kind has, in practice, been constantly exercised by the British Government in Bundelkund and elsewhere..." The Government of India was prepared in this case to be satisfied, if the Maharaja, in concert with and to the satisfaction of the Political Agent, inflicted upon the offending persons some such punishment as might appear to be suitable, but it instructed the Political Agent that he should satisfy himself that his order was not evaded. The Government of India did not let go Hardat Singh unpunished whose unjustifiable behaviour was the origin of the whole affair and asked the chief of Sohawal to punish him in some substantial manner.

The orders of the Government of India were duly communicated to the Maharaja of Rewa. The Maharaja at once paid money and expressed his "deep regret" for his conduct. The

Sirdars were punished by fine and confined to their villages for one year. Compensation was given to Hardat Singh for his pecuniary losses, and the Rewa Durbar was further required to make suitable provision for the family of the man killed in the operation.

Dholpur and Patiala

The attitude of the Government of India found further illustration in the Dholpur affairs. The Maharana of Dholpur having died in 1873, his minor son was elevated on the *gadi* of Dholpur. The boy was only 9 years old and hence arrangements were made for the administration of the state. Now the "*Dhoolya Saheba*", the Maharani of Dholpur, was the sister of the Maharaja of Patiala. The latter became immediately interested in the question of the future administration of Dholpur and endeavoured to secure the consent of the Dholpur *Sirdars* to the Regency of "*Dhoolya Saheba*" with the view, as reported by the Political Agent, of bringing the control of the state into his own hands.³² But the Government of India were not favourably disposed to the scheming designs of the Maharaja of Patiala³³ and appointed Dinkor Rao to supervise the general administration of the state³⁴ with the instruction that any interference on the part of the Maharaja of Patiala should be "courteously but firmly resisted" and "the interference of the ladies of the late Maharana's family in the affairs of the state should also be guarded against."³⁵ Naturally both the Maharaja of Patiala and the Maharani were opposed to the appointment of Dinkar Rao and from the beginning they set themselves to the task of finding fault with him.

Shortly afterwards, Dinkar Rao was forced, by reason of failing health, to resign the charge of Dholpur state³⁶ and the

32 P. C. (A), March 1873, Nos. 345-357.

33 P. C. (A), March 1873, No. 354.

34 Ibid.

35 Ibid.

36 P. C. (A), Jan. 1876, No. 322.

Maharaja of Patiala attempted to swoop down upon Dholpur affairs for the second time. In 1873, the Maharaja of Patiala, on behalf of the Maharani of Dholpur, sent a *Kharita* to the Agent to the Governor-General for Eastern Rajputana state, criticising in no uncertain terms some of the actions of Dinkar Rao. The memorandum began with the statement that the "*Dhoolya Sahaba*" had "complained to her own brother, the Maharaja of Pattiala, of the bad management of the state of Dhoolpur, and requested that a Political Agent might be appointed by Government to the management of it."³⁷ The *Kharita* of the Maharaja of Patiala closed with the following words: "Should the Political Agent require advice on any particular point or an important matter he can take it from the Puttiala officials; since owing to the relationship between the states they have a right to be consulted, a right Sir Dinkar Rao has not."³⁸

When this *Kharita* came up for consideration, the Government of India at once declined to acknowledge the existence of any such right. The zeal demonstrated by the Maharaja of Patiala in the affairs of Dholpur amounted to unwarranted interference by the chief of one state with the internal affairs of another. The Government of India pointed out that there should be "endless mischief" if the different chiefs of India who might be related to each other by marriage were to be allowed to interfere officially in each other's affairs. The Agent to the Governor-General was accordingly reminded of the former orders with regard to the Maharaja's interference. He was requested to reply demi-officially to the Maharaja's *Kharita* and to explain it in kindly but firm terms that although His Excellency in Council, in consideration of the relationship existing between His Highness and the mother of the young Rana of Dholpur, was desirous of meeting any reasonable wishes which the former might express regarding the affairs of Dholpur

37 P. C. (A), Jan. 1874, Nos 326-328.

38 Ibid.

family, any representation on these matters must be expressed privately and not officially. Colonel Pelly (Agent to the Governor-General for the states of Rajputana) was further informed that interference in the affairs of the state such as that lately reported was to be "steadily and courteously resisted."³⁹

Some Concluding Reflections

A review of the total attitude of the paramount power towards the princely states during the three decades following the Mutiny' discloses a basic development: the paramountcy of the British Government became a reality and the political fate of many hundred princely states, big and small, became indissolubly linked with the growing solidarity of the British' power in India. In the changed circumstances the Indian states lost some of their privileges and they were stripped of many attributes of sovereignty; but the former no longer regarded the latter as foreign principalities exposed to annexation, or interference or indifference that characterised British policy in the pre-Mutiny period. During the first half of the nineteenth century the Company did not develop any definitive policy towards the states although there was a growing trend towards their liquidation. The events of 1857 completely altered the basis of this attitude. (The era following the Mutiny brought to a happy termination those elements of uncertainties which disturbed the minds of the Indian princes. Their period of isolation was put to an end and the Government of India aimed at converting them into inseparable units of the "single charge." To enable them to play that role, the paramount power pursued a paternalistic policy. It dispelled from the minds of the chiefs the fear of annexation in the event of the failure of natural heirs. The Mutiny had imparted to the British Government the lessons of the importance of the co-operation of the Indian princes.) With the exception of a few, the majority of the Indian states gave solid support to the British Government for crushing the rebellious forces and Canning gratefully acknowledged their services in his several minutes and despatches to the Home authorities. Even the leading apologists of the annexationist theory had to revise their earlier stand towards the states. The Queen's Proclamation ensured the perpetuity of the ancient ruling houses: the

policy of territorial expansion as well as of dismembering the states was explicitly abandoned. The liberal Viceory gave this policy a concrete form by the grant of Adoption *sanads* which had the effect of repudiating the Doctrine of Lapse.

Succession problems, which were invariably dreaded by the rulers, Hindu and Muslim, now came to be regulated on a liberal basis. Disputed or controversial successions, which in former days were invariably attended with disastrous consequences, were henceforth arbitrated by the paramount power. In coming to decisions it even paid due regard to ancient tribal customs and long-standing practices. The purpose was "the perpetuation of Native rule" and it was based (as Lee-Warner puts it¹) "on grounds of general policy, not on an exclusive regard for individual claims."

The survival of the states was assured, but they had to remain content with a feudatory status. Their independence was drastically curtailed; their autonomy was denied in practice, even though sometimes upheld in theory. Their right of mintage and of coining money was first restricted and gradually taken away. The economic resources of the states came to be regulated and numerous salt agreements were concluded. Contrary to all commercial policy the chiefs had to agree to suppress the manufacture of salt in their respective states and to purchase and consume British-taxed salt with a view to benefiting imperial revenues. Judicial competence of the states was denied and various measures were adopted for modernising the social life of the princely states. The chiefs were pressed to abolish transit duties which constituted the chief sources of their income although it sometimes proved to be onerous and a positive hindrance to the free flow of trade. In fact the paramount power retained the substance of administrative authority and economic policy in its own hands, leaving the shadow for the states. But the Government of India came forward to alter the outmoded character of the princely administration and substituted it by one in tune with the need of period. The chiefs

1 Phillips, C.H. *The Evolution of India and Pakistan*; 1858-1947 p. 421

were very sensitive of their traditional rights and privileges and were unwilling to introduce any change which interfered with their age-old concept of administration. Conscious of these prejudices, the British Government followed a cautious policy, backed by firmness, to effect the desired change. It usually utilised the minority or regency administration to infuse new administrative principles into the world of the princes. It did not hesitate to reprimand the ruling princes for their administrative lapses. In a letter to Lawrence, Sir Strafford Northcote very candidly remarked : "...We are proclaiming our desire to uphold native dynasties, and to refrain from annexation,... at the same time we desire to see good government in the states we so maintain."² The chiefs were plainly told that the welfare of the people was the paramount concern of the states and oppression and coercion must be abjured. This was no empty slogan. The British Government actually meant it. Its concern for the welfare of the people became manifest in Mysore, Alwar, Kota, Jodhpur, Bikaner, Sirohi and Baroda, to mention only a few of the states benefited by its intervention.

Profiting by the experience of past events, the paramount power was not disposed to allow the states to be used as centres of intrigues directed against itself by hostile forces. British Political officers, designated either as Resident or Political Agent, were deputed to the states mainly to watch over the proceedings of the Durbars. These officers were instructed to assist the ruling chiefs in solving their problems of the states, to promote British interests, and to counteract hostile forces. The presence of British Political Officers had also a restraining effect on the erring princes. Tried and experienced officers were assests to the states where they were posted, but Political Officers of the category of Major Bouverie³ (in Bharatpur) or

2 Ibid., op. cit., p. 416

3 Major Bouverie, in his capacity both as the Political Agent and the head of the Bharatpur Regency Council, interfered so much with the details of the administration that the principal *Sirdars* became hostile towards him. (Political Despatch from the Secretary of State, 30 Aug. 1861 No. 106)

Major Cullen (in Travancore and Cochin) were supercilious and unfriendly; instead of helping the princes to improve, they embittered the relations between them and the paramount power. Mayo categorically defined the duties and responsibilities of the Political Officers and sounded a note of warning against indiscreet and unwarranted interference in the affairs of the states.

There is no denying the fact that the paramount power was not inclined to regard the Indian chiefs as equal partners; rather they were treated like a "set of schoolboys." But their co-operation was eagerly solicited in the development of "one charge theory." This was a continuous process. The identity of interests between the paramount power and the princely states was emphasised by Curzon in his speech at the state banquet at Gwalior (29 November 1899) where he described "the Native Chiefs" as "an integral factor in the imperial organisation of India" and claimed him as his "colleague and partner" and by Minto in his Udaipur Speech on 1 November 1909. This was essentially a period of consolidation rather than expansion and this became evident in organising public works and grappling with natural calamities.

The most immediate and concrete manifestation of the theory found illustration during the second Afghan war when the Kabul Residency was attacked and Sir Lewis Cavagnari was killed by the Afghans (September 1879). The Indian chiefs could not remain unconcerned to the calamity that befell the British. They had already made liberal contributions when the military operations were going on in Afghanistan. They now contributed money for helping the families of those who died or were injured in course of fighting. The Maharaja and Maharani of Baroda offered Rs. 10,000/- for the support of the families of soldiers killed in Kabul.⁴ A Patriotic Fund was also created in which the Maharaja and the Maharani contributed another thousand ruppes.⁵ The Holkar gave Rs. 1,00,000/- for the bene-

4 P. C. (A), July 1880, No. 238.

5 P. C. (A), Aug. 1882, Nos. 127-28.

fit of the families of Indian soldiers and the Nawab of Rampur donated Rs. 1,00,000 - for the relief of the sick and wounded Indian and British soldiers.⁶ Again, the Maharaja of Balrampur offered Rs. 1,00,000/- for the benefit of the families of the Indian soldiers. Even Dhar, which had suffered maximum indignities at the hands of the British Government, offered Rs. 1000 - "as a contribution to the fund for the widows and orphans of the men" who died defending the Residency at Kabul.

In this and in many other respects the chiefs evinced their feeling of involvement with the paramount power. In course of time the help and co-operation of the princes became essential for the defence of India and they played a much greater role when the Imperial Service Troops was organised. In the years following the Mutiny the paramount power deliberately followed a policy of disarming the chiefs, crippling their military resources and isolating one from the other lest they should get united and strive once again to tumble down the imperial edifice rescued so recently. But in course of thirty years there was a wholesome change in their attitude towards them and the process reached its culmination in the famous Hunza campaign (1893) when the princely troops marched shoulder to shoulder with their imperial counterparts. Curzon, who was bent upon pursuing a new frontier policy for curbing the risings of the frontier tribes, withdrew the British garrison from Gilgit and the Kashmir Imperial Service Troops took their place. Subsequently the Imperial Service Troops proved to be a bastion of imperial defence. In 1914 they were 22,000 strong. Wellesley's policy of holding the Indian princes in check by subsidiary forces was reversed a century later because the "loyalty of the Princes was assured and the state forces, instead of being looked upon as a possible source of danger, were regarded as useful allies."⁷

Another phenomenon of this period was the administrative breakdown in some of the princely states caused either by misgovernment of the chiefs guided by whims or by the outbreak

6 P. C. (A), July 1880, No. 260.

7 Banerjee, A. C. op. cit., Vol. II, p. 35. (ed. 1961)

of hostilities between the chiefs on the one hand and the thakurs, who represented the feudal forces, on the other. This happened mostly in Rajputana and in some states of Central India. Tyranny and oppression were never unknown in these states, but they became too frequent in the period under study. Despite repeated warnings of the Viceroys to govern justly, the princes defaulted. Was it due to the fact that, secure in their *gadis* and assured of British protection against internal disturbances, the princes had developed a complacent attitude? There was no longer any fear of annexation; the Queen's Proclamation had removed the probability. There was less fear of interference as the paramount power had shunned the policy of petty or vexatious interference in the internal affairs of the states. Lawrence questioned the efficacy of this policy in 1867: "...I doubt much if it were wise to leave them generally alone when the almost certain result of their (*i. e.* the princes) conduct will lead to a serious maladministration of their territories. A few words of advice, a timely remonstrance may do much good, and prevent much mischief..."⁸ But this prescription was hardly pursued. Writing in wake of the protected hostilities between the Maharaja of Bikaner on the one hand and the thakurs of the state on the other, Aitchison remarked: "...If we interfere too often or too directly in the internal government of the Native States, we shall shake the faith of the princes of India...and revive the defunct annexation policy in another name. When our interference is necessary, it would be sharp and decisive; it would be resorted to only in grievous cases, and withdrawn when occasion for it ceases..."⁹ This is a dubious policy—a policy of opportunism and an echo of the policy pursued in Alwar and Bahawalpur. Timely intervention might have put to an end the princely anarchy and rescued the people from oppression. But the paramount power avoided the step lest its intention should be "misundrestood and misrepresented if the experiment is too often tried." Notwithstanding this the paramount power

8 Phillips, C. H. op. cit., p. 417.

9 K. W. P. C. (A), Oct. 1871, Nos. 588-98.

could not remain an idle spectator to prolonged violence and disorder in the states and it did intervene. Intervention in the interest of benevolent government reached its zenith in the days of Curzon.

The paramount power became increasingly relieved of its unpleasant duty of intervention for improvement of administration in the states as the old generation of rulers passed away and the new generation of princes like the new Maharaja of Mysore, the young Nizam, the Maharaja of Jaipur and the Gaikwad of Baroda assumed power. They were taught and trained in accordance with the enlightened principles of education and modern concept of administration in the schools and colleges sponsored by the British Government. They heralded in a new epoch, and they readily responded to strengthen the basis of the "one charge theory" not only in political issues but also in administrative matters. Again, a new generation of administrators—Sir T. Madhava Rao in Baroda and Seshadri Iyer in Mysore, for instance, infused a new spirit and vitality into the rotten feudal negimes.¹⁰

The transfer of power from the Company to Crown was, without doubt, a momentous event in the history of India. It marked the beginning of a new era. The Queen's Proclamation provided the Indian potentates with new hopes and aspirations. From this Proclamation to the Durbar of Delhi in which the Queen assumed the title of "Kaiser-i-Hind" or the "Empress of India"—significant changes took place in the relations between the Government of India and the feudatory states. Disraeli and Lytton were strongly criticised for holding that gorgeous pageant at a time when India was passing through a series of calamities. It had little political significance in so far as it did not invest the Queen with additional power and prerogative with regard to her Indian empire ; but the romantic Prime Minister of Britain hoped that the association of the Queen with India's imperial tradition would bind India to Britain with sentimental loyalty. There was no visible change in the British

provinces, but the Indian states were brought within the British empire. Legally speaking, the rulers and the people of the states were henceforth to be classed as vassals of the British sovereign. This constitutional change in the position of the states helped the promotion of better understanding and close affinity between them and the paramount power ; and it served to increase the Queen's responsibility for her Indian empire. Lytton admitted that the great assemblage organised by him at Delhi was not "merely scenic display or theatrical pomp ;" he believed that henceforth "the resources of the states should, if possible, be gradually brought into closer and more systematic co-operation with the Supreme Government of India to which they belong."¹¹ The utilisation of the resources of princely India for imperial purposes was no vain dream, as the history of the First World War was to show.

11 Phillips, C. H. op. cit., p. 417.

because of its geographical position intermixed with British territory, and also because a subsidiary force of British troops is maintained for the defence of the state, the protection of the person of its rulers, and the enforcement of its legitimate authority.

My Friend, I cannot consent to employ British troops to protect any one in a course of wrong doing. Misrule on the part of a government which is upheld by British power is misrule in the responsibility for which the British Government becomes in a measure involved. It becomes therefore not only the right but the positive duty of the British Government to see that the administration of a State in such a condition is reformed, and that gross abuses are removed.

It has never been the wish of the British Government to interfere in the details of the Baroda administration, nor it is my desire to do so now. The immediate responsibility for the government of the state rests, and must continue to rest, upon the Gaekwar for the time being. He has been acknowledged as the sovereign of Baroda, and now he is responsible for exercising his sovereign powers with proper regard to his duties and obligations alike to the British Government and to his subjects. If the obligations be not fulfilled, if gross misrule be permitted, if substantial justice be not done to the subjects of the Baroda state, if life and property be not protected, or if the general welfare of the country and people be persistently neglected, the British Government will assuredly intervene in the manner which in its judgment may be calculated to remove these evils and secure misgovernment. Such timely intervention indeed prevents misgovernment culminating in the ruin of the state is no less an act of friendship to the Gaekwar himself than a duty to his subjects.

APPENDIX B

Instrument of Transfer, Mysore¹

1. The Maharaja Chamrajendra Wadiar Bahadur, shall, on the 25th day of March 1881, be placed in possession of the territories of Mysore, and installed in the administration thereof.

2. The said Maharaja Chamrajendra Wadiar Bahadur, and those who succeed him in manner hereinafter provided shall be entitled to hold possession of and administer the said territories as long as he and they fulfil the conditions hereinafter prescribed.

3. The succession to the administration of the said territories shall devolve upon the lineal descendants of the said Maharaja, whether by blood or adoption, according to the rules and usages of his family, except in case of disqualification through manifest fitness to rule.

Provided no succession shall be valid until it has been recognised by the Governor—General in Council.

In the event of a failure of lineal descendants, by blood and adoption, of the said Maharaja, it shall be within the discretion of the Governor—General in Council to select as a successor any member of any collateral branch of the family whom he thinks fit.

4. The Maharaja Chamrajendra Wadiar Bahadur and his successors (hereinafter called Maharaja of Mysore) shall at all times remain faithful in allegiance and subordination to Her Majesty the Queen of Great Britain and Ireland and Empress of India, her heirs and successors, and perform all the duties which, in virtue of such allegiance and subordination, may be demanded of them.

5. The British Government having undertaken to defend and protect the said territories against all external enemies, and

1 Lee-Warner, op. cit., pp. 174-179. Aitchison, *Treaties, Engagements and Sanads*, Vol. III, pp. 479-82 (ed. 1909).

to relieve the Maharaja of Mysore the obligation to keep troops ready to serve with the British army when required, there shall, in consideration of a such undertaking, be paid from the revenue of the said territories to the British Government an annual sum of Government rupees thirty-five lakhs in two half-yearly instalments, commencing from the said 25th day of March 1881.

6. From the date of the Maharaja's taking possession of the territories of Mysore the British sovereignty in the island of Seringapatam shall cease and determine, and the said island shall become part of the said territories, and be held by the Maharaja upon the same conditions as those subject to which he holds the rest of the said territories.

7. The Maharaja of Mysore shall not, without the previous sanction of the Governor-General in Council, build any new fortresses or strongholds, or repair the defences of any existing fortresses or strongholds in the said territories.

8. The Maharaja of Mysore shall not, without the permission of the Governor-General in Council, import or permit to be imported into the said territories, arms, ammunition or military stores, and shall prohibit the manufacture of arms, ammunition, and military stores throughout the said territories, or at any specified place therein, whenever required by the Governor-General in Council to do so.

9. The Maharaja of Mysore shall not object to the maintenance of establishment of British Cantonments in the said territories, whenever and wherever the Governor-General in Council may consider such cantonments necessary. He shall grant free of all charge such land as may be required for such cantonments, and shall renounce all jurisdiction within the land so granted. He shall carry out in the lands adjoining British Cantonments in the said territories such sanitary measures as the Governor-General in Council may declare to be necessary. He shall give every facility for the provision of supplies and articles required for the troops in such Cantonments, and on goods imported or purchased for that purpose no duties or

taxes of any kind shall be levied without the assent of the British Government.

10. The military force employed in the Mysore state for the maintenance of internal order and the Maharaja's personal dignity, and for any other purposes approved by the Governor-General in Council, shall not exceed the strength which the Governor-General in Council may from time to time fix. The directions of the Governor-General in Council in respect to the enlistment, organisation, equipment and drill of troops shall at all times be complied with.

11. The Maharaja of Mysore shall abstain from interference in the affairs of any other state or power, and shall have no communication with any other state or power, or the agents or officers of any other state or power, except with the previous sanction and through the medium of the Governor-General in Council.

12. The Maharaja of Mysore shall not employ in his service any person not a native of India, without the previous sanction of the Governor-General in Council, and shall, on being so required by the Governor-General dismiss from his service any person so employed.

13. The coins of the Government of India shall be legal tender in the said territories in the case in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India, and all laws and rules for the time being applicable to coins current in British India shall apply to coins current in the said territories. The separate coinage of Mysore state, which has long been discontinued, shall not be revived.

14. The Maharaja shall grant free of all charge such land as may be required for the construction and working of lines of telegraph in the said territories wherever the Governor-General in Council may require such lands and shall do his utmost to facilitate the construction and working of such lines. All lines of telegraph in the said territories, whether constructed or maintained at the expense of the British Government, or out

of the revenues of the said territories, shall form part of the British telegraph system, and shall save in cases to be specially excepted by agreement between the British Government and the Maharaja of Mysore, be worked by the British Telegraph Department ; and laws and rules for the time being in force in British India in respect to telegraphs, shall apply to such lines and telegraph when so worked.

15. If the British Government at any time desired to construct or work, by itself or otherwise, a railway in the said territories, the Maharaja of Mysore shall grant free of all charge such land as may be required for that purpose, and shall transfer to the Governor-General in Council plenary jurisdiction within such land, and no duty or tax whatever shall be levied on through traffic carried by such railway which may not break bulk in the said territories.

16. The Maharaja of Mysore shall cause to be arrested and surrendered to the proper officers of the British Government any person within the said territories accused of having committed an offence in British India, for whose arrest and surrender a demand may be made by the British Resident in Mysore, or some other officer authorised by him in this behalf ; and he shall afford every assistance for the trial of such persons by causing the attendance of witnesses required, or by such other means as may be necessary.

17. Plenary criminal jurisdiction over European British subjects in the said territories shall continue to be vested in the Governor-General in Council and the Maharaja of Mysore shall exercise only such jurisdiction in respect to European British subjects as may from time to time be delegated to him by the Governor-General in Council.

18. The Maharaja of Mysore shall comply with the wishes of the Governor-General in Council in the matter of prohibiting or limiting the manufacture of salt and opium and the cultivation of poppy, in Mysore ; and also in the matter of giving effect to all such local regulations as may be considered proper in respect to the export and import of salt, opium and poppy heads..

THE PARAMOUNT POWER AND THE PRINCELY STATES

19. All laws in force and rules having the force of law in the said territories when the Maharaja Chamrajendra Wadiar Bahadur is placed in possession thereof, as shown in the schedule hereto annexed, shall be maintained and efficiently administered, and, except with the previous consent of the Governor-General in Council, the Maharaja of Mysore shall not repeal or modify such laws, or pass any laws or rules inconsistent therewith.

20. No material change in the system of administration as established when the Maharaja is placed in possession of the territories, shall be made without the consent of the Governor-General in Council.

21. All title deeds granted and all settlements of land revenue made during the administration of the said territories by the British Government and in force on the said 17th day of March 1881, shall be maintained in accordance with the respective terms thereof, except in so far as they may be rescinded or modified either by a competent court of law, or with the consent of the Governor-General in Council.

22. The Maharaja of Mysore shall at all times conform to such advice as the Governor-General in Council may offer him with a view to the management of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry and any other objects connected with the advancement of His Highness's interests, the happiness of his subjects, and his relations to the British Government.

23. In the event of the breach or non-observance by the Maharaja of Mysore of any of the foregoing conditions, the Governor General in Council may resume possession of the said territories and assume the direct administration thereof, or make such other arrangements as he may think necessary to provide adequately for the good government of the people of Mysore, or for the security of British rights and interests within the province.

24. The document shall supersede all other documents by which the position of the British Government with reference to the said territories has been formally recorded. And, if any question arise as to whether any of the above condition has been faithfully performed, or as to whether any person is entitled to succeed, or is fit to succeed to the administration of the said territories, the decision thereon of the Governor-General in Council shall be final.

Fort William,
1st March, 1881.

(Signed) Ripon
Viceroy & Governor-General.

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